



## Bureau of Justice Statistics

*State Court Processing Statistics*

# Felony Defendants in Large Urban Counties, 2002

*Arrest charges*

*Demographic characteristics*

*Criminal history*

*Pretrial release and detention*

*Adjudication*

*Sentencing*

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# Felony Defendants in Large Urban Counties, 2002

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## Highlights

### Trends in processing of felony defendants, 1990-2002

Since 1990, defendants charged with a drug or property offense have comprised about two-thirds of felony cases in the 75 largest counties. Since 1994, drug defendants have comprised the largest group, ranging from 35% to 37%. Property defendants have accounted for 29% to 31% of defendants during this time. From 1990 to 2002 the percentage of felony defendants charged with a violent offense has ranged from 24% to 27%.

The proportion of defendants over age 40 has risen from 10% in 1990, to 21% in 2000 and 2002. Since 1996, about a third of defendants have been under age 25, a smaller proportion than from 1990 to 1994, when about two-fifths of defendants were this young.

The percentage of female defendants increased from 14% in 1990 to 18% in 1998 and has remained stable since then. After reaching a peak of 50% in 1996, the percentage of non-Hispanic black defendants declined to 43% in 2002. During this time, the percentage of non-Hispanic white defendants increased from 23% to 31%.

The percentage of defendants with an active criminal justice status at the time of arrest declined to a new low of 32% in 2002, compared to a high of 38% from 1990 through 1994.

The percentage of defendants with one or more prior felony arrests rose to 64% in 2002, continuing an upward trend that began after 1992 when 55% had a felony arrest record. The percentage with a felony conviction record has also increased — from 36% in 1990 to 43% in 2002.

From 1990 to 2002 the percentage of felony defendants released prior to case disposition remained fairly consistent, ranging from 62% to 64%. From 1990 to 1996 release on personal recognizance (ROR) was the

most common type of pretrial release, accounting for 38% to 41% of releases, compared to 21% to 29% for surety bond. In 1998 surety bond was the most frequently used type of release, and by 2002, surety bond accounted for 41% of releases compared to 23% for ROR.

From 1990 to 2002 the percentage of released defendants charged with any type of pretrial misconduct was fairly consistent, ranging from 31% to 34%. Likewise, failure-to-appear rates varied only slightly, ranging from 22% to 24%.

After reaching a high of 61% in the 1994 study, the felony conviction rate fell to 52% in both 1998 and 2000. This decline was reversed in 2002 when 57% of defendants were convicted of a felony. Overall conviction rates have followed a similar pattern, peaking in 1994 at 72%, dropping to 64% by 2000, then rising to 68% in 2002.

After reaching a low of 68% in 1994, the incarceration rate for defendants convicted of a felony rose for the fifth straight year to a new high of 75% in 2002. In 2002 prison and jail sentences occurred with relatively equal frequency, as they did in 1996 and 1998. In other years felony convictions were somewhat more likely to result in a prison sentence than a jail sentence.

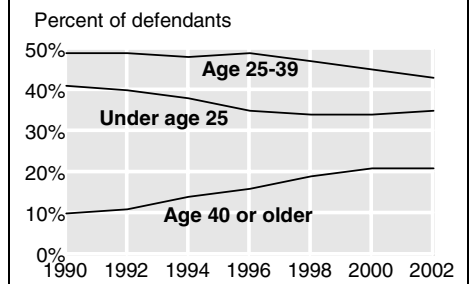
### Felony defendants in large urban counties, 2002

#### Arrest charges

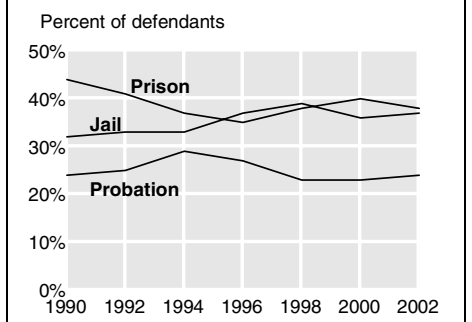
An estimated 56,146 felony cases were filed in the State courts of the Nation's 75 largest counties during May 2002. About a fourth of defendants were charged with a violent offense, usually assault (12.7%) or robbery (5.4%). About 1 in 40 defendants were charged with murder (0.8%) or rape (1.8%).

Two-thirds of defendants were charged with either a drug (36%) or property (30%) offense. Nearly half of drug defendants, 17% of defendants

### Age at arrest, felony defendants in the 75 largest counties, 1990-2002



### Most severe sentence received by defendants convicted of a felony in the 75 largest counties, 1990-2002



overall, were charged with drug trafficking. A majority of property defendants were charged with larceny/theft (8.8% of all defendants) or burglary (8.1%). About 10% of defendants were charged with a public-order offense. A majority of these charges were driving-related (3.2%) or weapons-related (2.7%).

#### Demographic characteristics

Eighty-two percent of defendants were male, including 90% or more of those charged with rape (99%), a weapons offense (96%), murder (93%), or robbery (90%). Women accounted for about half of the defendants charged with fraud (49%) and about a third of those charged with forgery (35%).

Non-Hispanic blacks comprised more than half of the defendants charged with murder (58%), robbery (54%), a weapons offense (54%), or drug trafficking (53%). Non-Hispanic whites were nearly half of those charged with a driving-related felony (46%).

Half of defendants were under age 30. Eighteen percent were under age 21, including 36% of those charged with robbery and 28% of those charged with murder. Two percent of defendants were under age 18, including 9% of robbery defendants and 8% of murder defendants.

#### *Criminal history*

At the time of arrest 32% of defendants had an active criminal justice status, such as probation (15%), release pending disposition of a prior case (10%), or parole (5%). Forty-five percent of motor vehicle theft defendants and 40% of burglary defendants had a criminal justice status when arrested.

Seventy-six percent of all defendants had been arrested previously, with 50% having at least five prior arrest charges. Sixty-four percent of defendants had a felony arrest record. Fifty-nine percent of defendants had at least one prior conviction, including 43% with one or more felony convictions.

#### *Pretrial release and detention*

Thirty-eight percent of all defendants were detained until the court disposed of their case, including 6% who were denied bail. Murder defendants (92%) were the most likely to be detained. A majority of defendants charged with robbery (58%), motor vehicle theft (56%), or burglary (51%) were also detained until case disposition.

Defendants with an active criminal justice status (57%) were nearly twice as likely to be detained until case disposition as those without such a status (31%). Defendants on parole (69%) were the most likely to be detained.

Defendants were most likely to be released on commercial surety bond (41% of all releases), followed by release on personal recognizance (23%). The next most common types

of pretrial release were conditional release (18%), deposit bond (10%), and unsecured bond (5%).

An estimated 33% of released defendants committed one or more types of pretrial misconduct while in a release status. Twenty-two percent failed to appear in court as scheduled. Eighteen percent were arrested for a new offense, including 12% for a felony.

#### *Adjudication*

About a fourth of defendants had their case adjudicated within 1 month of arrest, and nearly half within 3 months. At the end of the 1-year study period, 87% of all cases had been adjudicated.

Sixty-eight percent of the cases adjudicated within 1 year resulted in a conviction. Fifty-seven percent of defendants were convicted of a felony, and 11% of a misdemeanor. Felony conviction rates were higher for those originally charged with murder (80%), followed by driving-related offenses (73%), motor vehicle theft (68%), burglary (66%), and drug trafficking (64%). Assault (41%) defendants had the lowest felony conviction rate.

Nearly all (95%) convictions obtained during the 1-year study period were the result of a guilty plea. About 5 in 6 guilty pleas were to a felony.

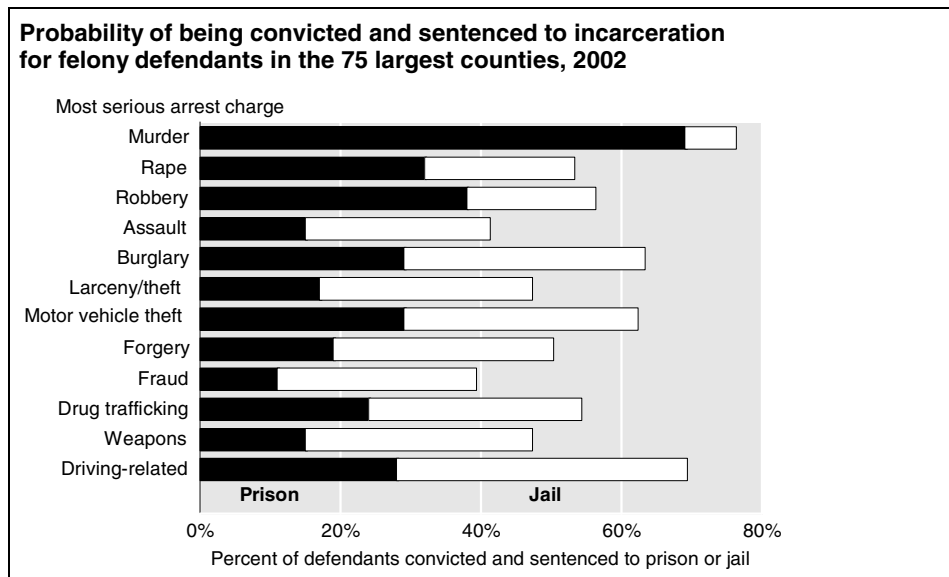
Eighty-five percent of trials resulted in a guilty verdict, including 88% of bench trials and 80% of jury trials.

#### *Sentencing*

About two-thirds of convicted defendants were sentenced within 1 day of adjudication. Three-fourths of all sentences for felony convictions were either to prison (38%) or jail (37%). Ninety-five percent of those convicted of murder were sentenced to prison. A large majority of robbery (73%) and rape (64%) convictions also resulted in prison sentences. Nearly all convicted defendants who did not receive an incarceration sentence were placed on probation.

Fifty-eight percent of those with multiple prior felony convictions were sentenced to prison following a felony conviction in the current case, compared to 22% of those with no prior felony convictions.

The mean prison sentence for violent felony convictions was about 10 years and the median was 5 years. For nonviolent felonies the mean was about 3 years and the median 2 years. Murder (40 years) and rape (10 years) convictions carried the longest median prison sentences. Nearly 2 in 5 convicted murderers received a life sentence.



Since 1988, the Bureau of Justice Statistics (BJS) has sponsored a biennial data collection on the processing of felony defendants in the State courts of the Nation's 75 most populous counties. Previously known as the National Pretrial Reporting Program, this data collection series was renamed the State Court Processing Statistics (SCPS) program in 1994 to better reflect the wide range of data elements collected.

The SCPS program collects data on the demographic characteristics, criminal history, pretrial processing, adjudication, and sentencing of felony defendants. The SCPS data do not include Federal defendants. The reader should refer to the annual BJS *Compendium of Federal Justice Statistics* for information on the processing of Federal defendants.

The 2002 SCPS collected data for 15,358 felony cases filed during May 2002 in 40 large counties. These cases were part of a 2-stage sample that was representative of the estimated 56,146 felony cases filed in the Nation's 75 most populous counties during that month. Murder cases were tracked for up to 2 years and all other cases for up to 1 year. A small number of cases (93 weighted) were omitted from analysis as they could not be classified into 1 of the 4 major crime categories (violent, property, drug, and public-order offenses).

In 2002 the 75 largest counties accounted for 37% of the U.S. population. According to the FBI's Uniform Crime Reports program for 2002, these jurisdictions accounted for 50% of all reported serious violent crimes in the United States, including 61% of robberies, 51% of murders and non-negligent manslaughters, 47% of aggravated assaults, and 36% of forcible rapes.

These counties accounted for 42% of all reported serious property crimes, including 57% of motor vehicle thefts, 40% of larceny/thefts, and 39% of burglaries.

## Arrest charges

During May 2002 about a fourth of the felony defendants in the 75 largest counties were charged with a violent offense (24.4%) (table 1). About half of those charged with a violent felony, 12.7% of defendants overall, faced assault charges, and about a fifth, 5.4% of defendants overall, were charged with robbery. Murder defendants comprised 3.5% of the defendants charged with a violent felony, and 0.8% of all felony defendants. Rape defendants accounted for 7.3% of the defendants charged with a violent felony, and 1.8% of all felony defendants. (See *Methodology* for the specific crimes included in each offense category.)

For about 3 in 8 defendants, the most serious arrest charge was a drug offense (35.8%). Nearly half (48%) of drug defendants were charged with drug trafficking. Overall, defendants were more likely to be charged with drug trafficking (17.1%) or other drug offenses (18.6%) than any other type of offense (figure 1).

**Table 1. Felony defendants, by most serious arrest charge, 2002**

| Most serious arrest charge   | Felony defendants in the 75 largest counties |              |
|------------------------------|--|--------------|
|                              | Number                                       | Percent      |
| All offenses                 | 56,146                                       | 100.0%       |
| <b>Violent offenses</b>      | <b>13,682</b>                                | <b>24.4%</b> |
| Murder                       | 474  | 0.8          |
| Rape                         | 1,002  | 1.8          |
| Robbery                      | 3,036  | 5.4          |
| Assault                      | 7,122  | 12.7         |
| Other violent                | 2,049  | 3.6          |
| <b>Property offenses</b>     | <b>17,021</b>                                | <b>30.3%</b> |
| Burglary                     | 4,544  | 8.1          |
| Larceny/theft                | 4,929  | 8.8          |
| Motor vehicle theft          | 1,869  | 3.3          |
| Forgery                      | 1,734  | 3.1          |
| Fraud                        | 1,727  | 3.1          |
| Other property               | 2,218  | 4.0          |
| <b>Drug offenses</b>         | <b>20,073</b>                                | <b>35.8%</b> |
| Trafficking                  | 9,618  | 17.1         |
| Other drug                   | 10,455                                       | 18.6         |
| <b>Public-order offenses</b> | <b>5,370</b>                                 | <b>9.6%</b>  |
| Weapons                      | 1,501  | 2.7          |
| Driving-related              | 1,788  | 3.2          |
| Other public-order           | 2,081  | 3.7          |

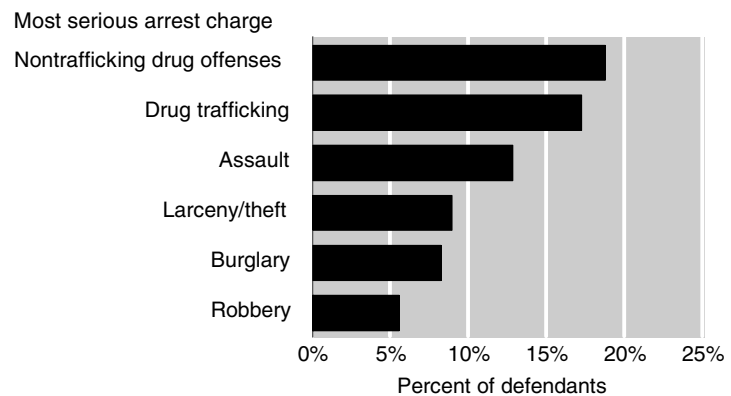
Note: Data for the specific arrest charge were available for all cases. Detail may not add to total because of rounding.

About 3 in 10 felony defendants were charged with a property offense (30.3%). More than a fourth of property defendants, 8.8% of defendants overall, were charged with larceny/theft offenses, and about a fourth, 8.1% overall, were charged with burglary.

Defendants charged with a public-order offense comprised 9.6% of all defendants. About 6 in 10 public-order defendants faced a weapons (2.7%) or driving-related (3.2%) charge.

The percentage of felony defendants in the 75 largest counties facing a drug-related charge (35.8%) was about the same as in 2000 (36.8%), but significantly higher than the low of 30% in 1992 (figure 2). The percentage of property defendants in 2002 (30.3%) was relatively unchanged compared to 2000 (29.5%) and lower since a high of 34.7% in 1992. The percentage of defendants charged with a violent offense in 2002 (24.4%) was about the same as in 2000 (24.9%), and slightly lower than the high of 26.5% in 1992.

**Most frequently charged offenses of felony defendants in the 75 largest counties, 2002**



See *Methodology* for specific crimes included in each offense category.

Figure 1

**Most serious arrest charge of felony defendants in the 75 largest counties, 1990 to 2002**

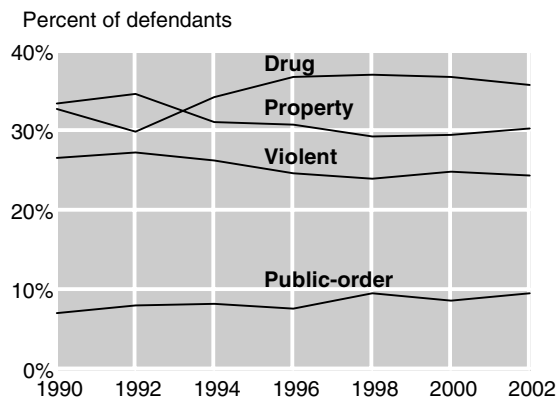


Figure 2

More than half of all felony defendants (58%) faced at least one additional charge, and 40% were charged with at least one additional felony (table 2). About 7 in 10 defendants charged with drug trafficking (72%), robbery (71%), or rape (71%) had been charged with one or more additional offenses. More than three-fifths of defendants whose most serious arrest charge was murder (65%), burglary (65%), weapons (64%), and assault (62%) were also charged with one or more additional offenses.

A majority of rape (65%), murder (61%), robbery (59%), and drug trafficking (58%) defendants faced at least one additional felony charge. About half of defendants charged with fraud (52%) or burglary (51%) faced one or more additional felony charges. More than two-fifths of forgery (46%), weapons (43%), and assault (42%) defendants faced multiple felony charges.

**Table 2. Level of second most serious charge of felony defendants, by most serious arrest charge, 2002**

| Most serious arrest charge | Number of defendants | Percent of felony defendants in the 75 largest counties |                  |                                |        |              |
|----------------------------|----------------------|---|------------------|--------------------------------|--------|--------------|
|                            |                      | Total   | No other charges | Most serious additional charge |        |              |
|                            |                      | Total   |                  | Total                          | Felony | Misde-meanor |
| All offenses               | 56,147               | 100%  | 42%              | 58%                            | 40%    | 18%          |
| Violent offenses           | 13,683               | 100%  | 36%              | 64%                            | 48%    | 16%          |
| Murder                     | 475                  | 100   | 35               | 65                             | 61     | 4            |
| Rape                       | 1,002                | 100   | 29               | 71                             | 65     | 6            |
| Robbery                    | 3,036                | 100   | 29               | 71                             | 59     | 12           |
| Assault                    | 7,123                | 100   | 38               | 62                             | 42     | 20           |
| Other violent              | 2,048                | 100   | 41               | 59                             | 41     | 18           |
| Property offenses          | 17,021               | 100%  | 46%              | 54%                            | 42%    | 13%          |
| Burglary                   | 4,544                | 100   | 35               | 65                             | 51     | 14           |
| Larceny/theft              | 4,930                | 100   | 49               | 51                             | 40     | 10           |
| Motor vehicle theft        | 1,869                | 100   | 53               | 47                             | 33     | 14           |
| Forgery                    | 1,734                | 100   | 42               | 58                             | 46     | 13           |
| Fraud                      | 1,727                | 100   | 42               | 58                             | 52     | 7            |
| Other property             | 2,218                | 100   | 57               | 43                             | 22     | 21           |
| Drug offenses              | 20,073               | 100%  | 42%              | 58%                            | 38%    | 20%          |
| Trafficking                | 9,618                | 100   | 28               | 72                             | 58     | 14           |
| Other drug                 | 10,455               | 100   | 54               | 46                             | 20     | 26           |
| Public-order offenses      | 5,370                | 100%  | 48%              | 52%                            | 27%    | 26%          |
| Weapons                    | 1,501                | 100   | 36               | 64                             | 43     | 21           |
| Driving-related            | 1,788                | 100   | 43               | 57                             | 27     | 30           |
| Other public-order         | 2,081                | 100   | 60               | 40                             | 15     | 25           |

Note: Data for the most serious arrest charge and the next most serious arrest charge were available for all cases. Detail may not add to total because of rounding.

## Demographic characteristics

Forty-three percent of the felony defendants in the 75 largest counties were non-Hispanic blacks, 31% were non-Hispanic whites, 24% were Hispanics of any race, and 2% were non-Hispanic members of some other race (table 3). Non-Hispanic blacks comprised a majority of the defendants charged with murder (58%), a weapons offense (54%), robbery (54%), or drug trafficking (53%) (figure 3). The smallest percentage of black defendants was found among those charged with a driving-related offense (22%) or motor vehicle theft (27%).

Non-Hispanic whites accounted for the largest percentage among defendants facing driving-related charges (46%). This was about 3 times the percentage accounted for by whites among defendants charged with murder (15%) or a weapons offense (18%), and more than twice the percentage of whites charged with robbery (21%) or drug trafficking (21%).

Hispanics were more prevalent among defendants charged with motor vehicle theft (35%) or a driving-related offense (30%) than among those charged with fraud (15%), forgery (17%), or larceny/theft (19%).

**Table 3. Race and Hispanic origin of felony defendants, by most serious arrest charge, 2002**

| Most serious arrest charge | Number of defendants | Percent of felony defendants in the 75 largest counties |                    |                    |                    |                    |
|----------------------------|----------------------|---|--------------------|--------------------|--------------------|--------------------|
|                            |                      | Total   | Black non-Hispanic | White non-Hispanic | Other non-Hispanic | Hispanic, any race |
| All offenses               | 55,432               | 100%  | 43%                | 31%                | 2%                 | 24%                |
| Violent offenses           | 13,455               | 100%  | 44%                | 28%                | 2%                 | 26%                |
| Murder                     | 470                  | 100   | 58                 | 15                 | 1                  | 26                 |
| Rape                       | 995                  | 100   | 42                 | 32                 | 2                  | 24                 |
| Robbery                    | 3,001                | 100   | 54                 | 21                 | 2                  | 23                 |
| Assault                    | 6,991                | 100   | 42                 | 27                 | 2                  | 29                 |
| Other violent              | 1,999                | 100   | 32                 | 41                 | 3                  | 25                 |
| Property offenses          | 16,848               | 100%  | 42%                | 34%                | 3%                 | 22%                |
| Burglary                   | 4,511                | 100   | 38                 | 34                 | 3                  | 25                 |
| Larceny/theft              | 4,891                | 100   | 46                 | 32                 | 2                  | 19                 |
| Motor vehicle theft        | 1,853                | 100   | 27                 | 33                 | 5                  | 35                 |
| Forgery                    | 1,717                | 100   | 46                 | 34                 | 3                  | 17                 |
| Fraud                      | 1,705                | 100   | 47                 | 35                 | 4                  | 15                 |
| Other property             | 2,175                | 100   | 45                 | 37                 | 1                  | 18                 |
| Drug offenses              | 19,841               | 100%  | 46%                | 29%                | 2%                 | 24%                |
| Trafficking                | 9,501                | 100   | 53                 | 21                 | 2                  | 25                 |
| Other drug                 | 10,341               | 100   | 39                 | 36                 | 1                  | 24                 |
| Public-order offenses      | 5,288                | 100%  | 38%                | 35%                | 1%                 | 26%                |
| Weapons                    | 1,488                | 100   | 54                 | 18                 | --                 | 28                 |
| Driving-related            | 1,774                | 100   | 22                 | 46                 | 2                  | 30                 |
| Other public-order         | 2,025                | 100   | 39                 | 38                 | 1                  | 21                 |

Note: Data on both race and Hispanic origin of defendants were available for 99% of all cases. According to the U.S. Census Bureau data for 2002, the overall percentage of the population of the 75 largest counties was 53% white non-Hispanic, 15% black non-Hispanic, 9% other race non-Hispanic, and 23% Hispanics of any race. Detail may not add to total because of rounding. -- Less than .5%

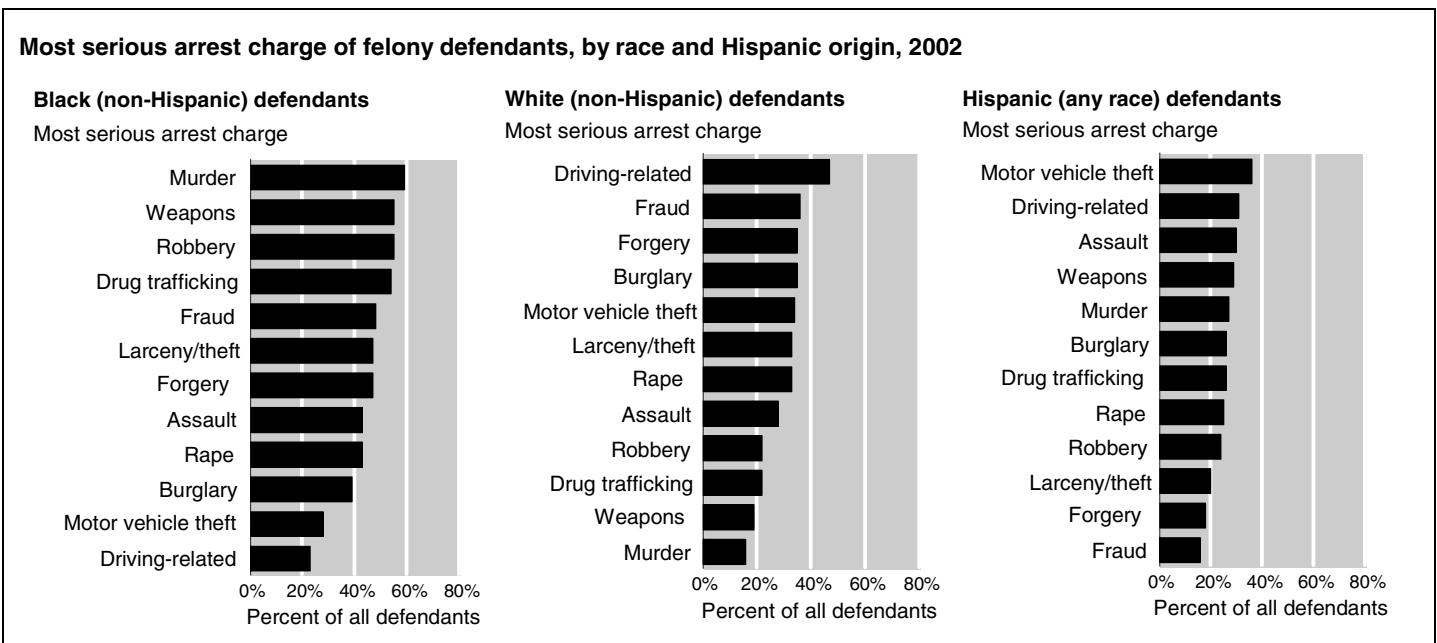


Figure 3

Overall, 82% of felony defendants in the 75 largest counties were male (table 4). Men comprised at least 9 out of 10 defendants charged with rape (99%), weapons offenses (96%), murder (93%), and robbery (90%). Women accounted for 18% of defendants, including 49% of those charged with fraud and 35% of those charged with forgery.

The average age of defendants at the time of arrest was 31 years (table 5). By specific offense the average age ranged from 27 years for robbery defendants to 36 for those charged with a driving-related offense.

Nearly a tenth of robbery (9%) and murder (8%) defendants were under age 18. An estimated 21% of defendants were 40 or older, including about a third of those charged with a driving-related offense (35%). Defendants charged with a weapons offense (10%), robbery (11%), motor vehicle theft (11%), or murder (12%) were the least likely to be 40 or older.

**Table 4. Gender of felony defendants, by most serious arrest charge, 2002**

| Most serious arrest charge | Number of defendants | Percent of felony defendants in the 75 largest counties |      |        |
|----------------------------|----------------------|---|------|--------|
|                            |                      | Total   | Male | Female |
| All offenses               | 56,123               | 100%  | 82%  | 18%    |
| Violent offenses           | 13,675               | 100%  | 86%  | 14%    |
| Murder                     | 475                  | 100   | 93   | 7      |
| Rape                       | 1,002                | 100   | 99   | 1      |
| Robbery                    | 3,032                | 100   | 90   | 10     |
| Assault                    | 7,119                | 100   | 83   | 17     |
| Other violent              | 2,049                | 100   | 82   | 18     |
| Property offenses          | 17,015               | 100%  | 76%  | 24%    |
| Burglary                   | 4,540                | 100   | 87   | 13     |
| Larceny/theft              | 4,927                | 100   | 71   | 29     |
| Motor vehicle theft        | 1,869                | 100   | 87   | 13     |
| Forgery                    | 1,734                | 100   | 65   | 35     |
| Fraud                      | 1,727                | 100   | 51   | 49     |
| Other property             | 2,218                | 100   | 84   | 16     |
| Drug offenses              | 20,063               | 100%  | 83%  | 17%    |
| Trafficking                | 9,608                | 100   | 86   | 14     |
| Other drug                 | 10,455               | 100   | 80   | 20     |
| Public-order offenses      | 5,370                | 100%  | 86%  | 14%    |
| Weapons                    | 1,501                | 100   | 96   | 4      |
| Driving-related            | 1,788                | 100   | 89   | 11     |
| Other public-order         | 2,081                | 100   | 77   | 23     |

Note: Data on gender of defendants were available for 99.9% of all cases.

**Table 5. Age at arrest of felony defendants, by most serious arrest charge, 2002**

| Most serious arrest charge | Number of defendants | Percent of felony defendants in the 75 largest counties |          |       |       |       |       |       |             | Average age at arrest |
|----------------------------|----------------------|---|----------|-------|-------|-------|-------|-------|-------------|-----------------------|
|                            |                      | Total   | Under 18 | 18-20 | 21-24 | 25-29 | 30-34 | 35-39 | 40 or older |                       |
| All offenses               | 55,958               | 100%  | 2%       | 16%   | 17%   | 16%   | 14%   | 13%   | 21%         | 31 yrs.               |
| Violent offenses           | 13,599               | 100%  | 4%       | 18%   | 19%   | 15%   | 13%   | 12%   | 19%         | 30 yrs.               |
| Murder                     | 475                  | 100   | 8        | 20    | 20    | 21    | 11    | 9     | 12          | 28                    |
| Rape                       | 998                  | 100   | 3        | 16    | 16    | 11    | 13    | 14    | 27          | 33                    |
| Robbery                    | 3,037                | 100   | 9        | 26    | 19    | 13    | 11    | 10    | 11          | 27                    |
| Assault                    | 7,058                | 100   | 2        | 15    | 20    | 16    | 13    | 13    | 21          | 31                    |
| Other violent              | 2,034                | 100   | 2        | 14    | 15    | 16    | 16    | 15    | 22          | 32                    |
| Property offenses          | 16,985               | 100%  | 2%       | 18%   | 16%   | 15%   | 15%   | 14%   | 20%         | 31 yrs.               |
| Burglary                   | 4,545                | 100   | 4        | 22    | 18    | 14    | 13    | 12    | 18          | 29                    |
| Larceny/theft              | 4,927                | 100   | 2        | 16    | 13    | 13    | 13    | 16    | 26          | 32                    |
| Motor vehicle theft        | 1,858                | 100   | 2        | 23    | 19    | 16    | 14    | 13    | 11          | 28                    |
| Forgery                    | 1,726                | 100   | --       | 9     | 20    | 18    | 19    | 13    | 21          | 31                    |
| Fraud                      | 1,723                | 100   | 1        | 8     | 13    | 19    | 20    | 15    | 25          | 33                    |
| Other property             | 2,206                | 100   | 3        | 23    | 15    | 16    | 14    | 12    | 17          | 29                    |
| Drug offenses              | 20,017               | 100%  | 2%       | 14%   | 18%   | 16%   | 14%   | 13%   | 23%         | 31 yrs.               |
| Trafficking                | 9,586                | 100   | 2        | 17    | 20    | 17    | 14    | 11    | 18          | 30                    |
| Other drug                 | 10,433               | 100   | 2        | 11    | 16    | 15    | 15    | 15    | 27          | 33                    |
| Public-order offenses      | 5,357                | 100%  | 1%       | 10%   | 16%   | 16%   | 17%   | 15%   | 25%         | 33 yrs.               |
| Weapons                    | 1,495                | 100   | 3        | 22    | 22    | 18    | 15    | 9     | 10          | 28                    |
| Driving-related            | 1,788                | 100   | --       | 3     | 13    | 12    | 19    | 18    | 35          | 36                    |
| Other public-order         | 2,074                | 100   | 1        | 8     | 13    | 18    | 16    | 17    | 26          | 33                    |

Note: Data on age of defendants were available for 99.7% of all cases. Detail may not add to total because of rounding.

--Less than .5%.

Overall, 35% of defendants were under age 25 (figure 4). More than half of robbery defendants (55%) were under age 25, as were more than two-fifths of defendants charged with murder (48%), a weapons offense (48%), vehicle theft (45%), or burglary (43%). Defendants charged with a driving-related offense (16%) or fraud (21%) were the least likely to be under age 25.

An estimated 18% of defendants were under the age of 21 at the time of arrest. Nearly 3 in 8 robbery defendants (36%) were under age 21, as were about a fourth of those charged with murder (28%), vehicle theft (26%), a weapons offense (25%), or burglary (25%). Defendants charged with a driving-related offense (3%), fraud (9%), or forgery (9%) were the least likely to be this young.

Males formed a higher percentage of defendants under the age of 18 (90%) than in the 25 or older age categories (table 6). A majority of the defendants under age 18 were black (55%), compared to less than half in each of the other age groups.

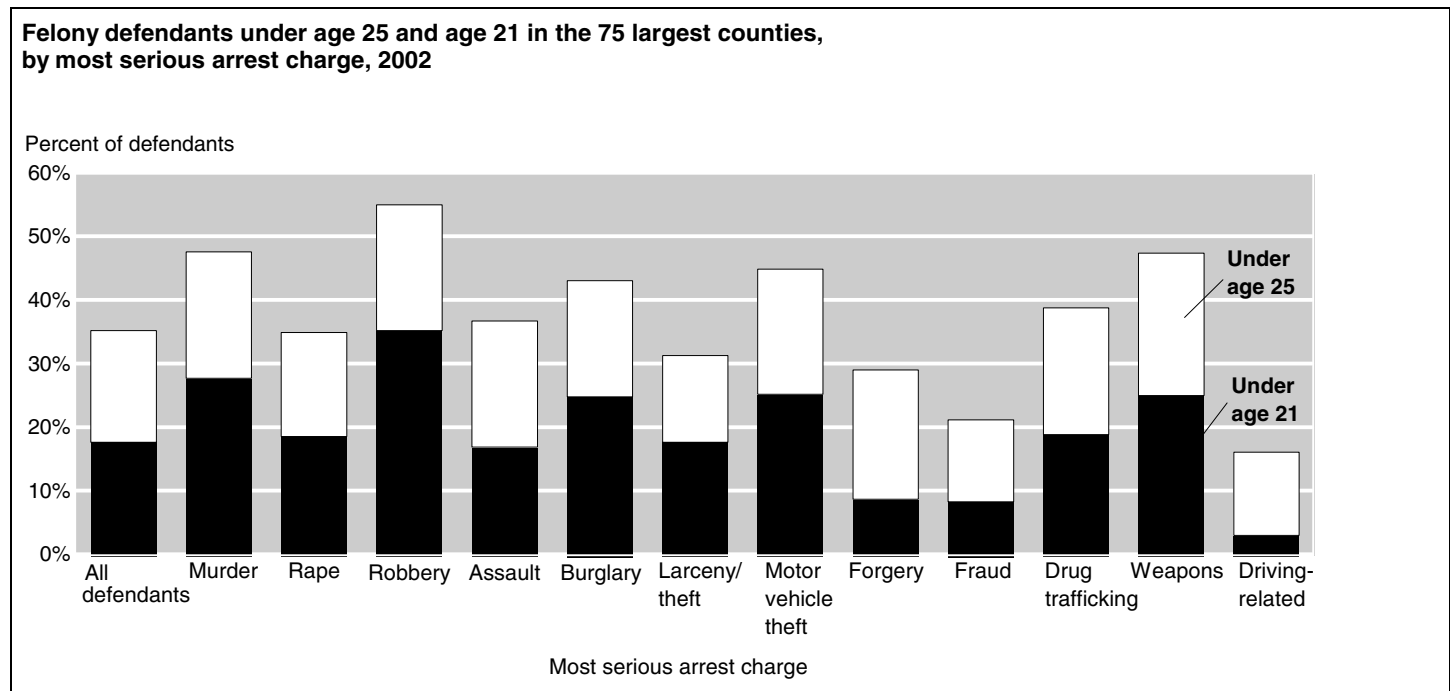


Figure 4

**Table 6. Gender and race/ethnicity of felony defendants, by age at arrest, 2002**

| Age at arrest | Number of defendants | Percent of felony defendants in the 75 largest counties |      |        | Number of defendants | Percent of felony defendants in the 75 largest counties |                     |                     |                     |                    |
|---------------|----------------------|---|------|--------|----------------------|---|---------------------|---------------------|---------------------|--------------------|
|               |                      | Total   | Male | Female |                      | Total   | Black, non-Hispanic | White, non-Hispanic | Other, non-Hispanic | Hispanic, any race |
| All ages      | 55,936               | 100%  | 82%  | 18%    | 55,344               | 100%  | 43%                 | 31%                 | 2%                  | 24%                |
| Under 18      | 1,394                | 100%  | 90%  | 10%    | 1,376                | 100%  | 55%                 | 18%                 | 1%                  | 27%                |
| 18-20         | 8,736                | 100   | 87   | 13     | 8,635                | 100   | 44                  | 26                  | 2                   | 27                 |
| 21-24         | 9,601                | 100   | 85   | 15     | 9,508                | 100   | 43                  | 27                  | 2                   | 28                 |
| 25-29         | 8,780                | 100   | 81   | 19     | 8,706                | 100   | 42                  | 26                  | 3                   | 29                 |
| 30-34         | 8,042                | 100   | 78   | 22     | 7,981                | 100   | 39                  | 35                  | 2                   | 25                 |
| 35-39         | 7,447                | 100   | 78   | 22     | 7,358                | 100   | 41                  | 36                  | 2                   | 20                 |
| 40 or older   | 11,936               | 100   | 80   | 20     | 11,780               | 100   | 47                  | 35                  | 2                   | 17                 |

Note: Data on defendant age and gender were available for 99.6% of all cases. Data on defendant age and race/ethnicity were available for 99% of all cases. Detail may not add to total because of rounding.

Black males comprised the largest proportion of defendants in each age group (figure 5). This disparity was most pronounced in the under-age-18 category in which black males (50%) accounted for more than 3 times the percentage of white males (15%), and twice the percentage of Hispanic males (25%). It was less pronounced in the age 25 to 39 categories, where black males accounted for a proportion of defendants closer to that accounted for by Hispanic and white males.

Hispanic females comprised less than 5% of defendants in each age group. Black females constituted a similar percentage to white females in all age categories, and neither accounted for more than 10% of the defendants in any single age category.

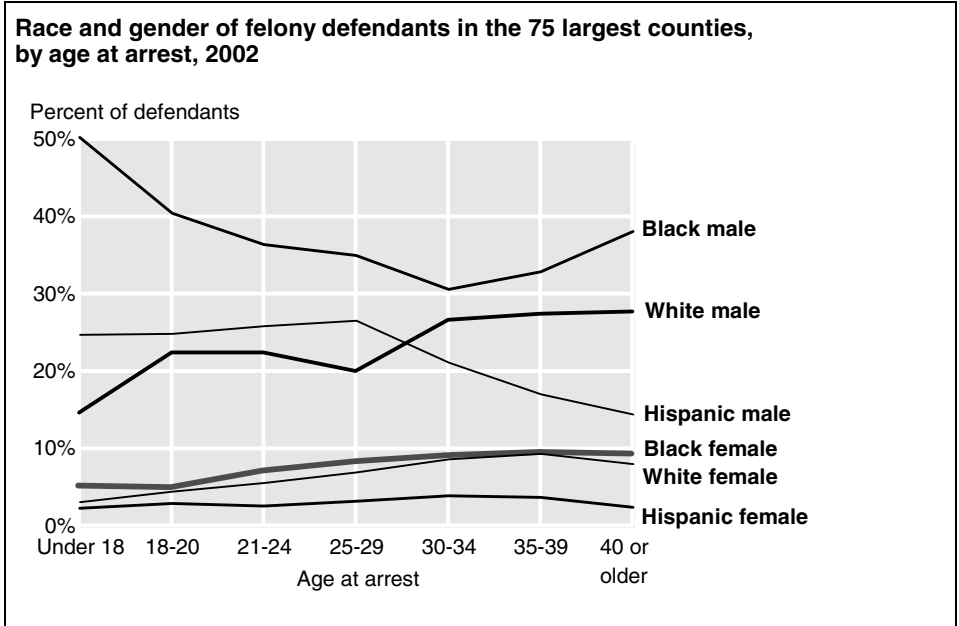


Figure 5

## Criminal history

### Criminal justice status at time of arrest

Thirty-two percent of felony defendants had an active criminal justice status at the time of their arrest on the current felony charge (table 7). Among defendants charged with a violent offense, 27% had an active criminal justice status, ranging from 35% of robbery defendants to 21% of rape defendants.

Thirty-seven percent of property defendants had an active criminal justice status, including 45% of defendants charged with motor vehicle theft and 40% of those charged with burglary. Among property defendants, those charged with fraud (22%) were the least likely to have had an active criminal justice status at the time of arrest.

Overall 31% of drug defendants had an active criminal justice status. Those charged with drug trafficking were equally likely as those charged with other drug offenses to have had a criminal justice status.

Thirty-three percent of public-order defendants had an active criminal justice status at the time of the current arrest. This included 29% of those charged with a weapons offense, 33% of those charged with a driving-related offense, and 35% of those charged with other public-order offenses.

Some defendants with a criminal justice status had more than one type of status. When just the most serious criminal justice status is considered, 15% of defendants were on probation, 10% had been released pending disposition of a previous case, and 5% were on parole at the time of the current arrest. Allowing for multiple types of criminal justice status, 5% of defendants were on parole, 16% were on probation, and 11% had been released pending case disposition.

**Table 7. Criminal justice status of felony defendants at time of arrest, by most serious arrest charge, 2002**

| Most serious current arrest charge | Number of defendants | Percent of felony defendants in the 75 largest counties with an active criminal justice status at the time of arrest |           |                  |        |            |       |
|------------------------------------|----------------------|--|-----------|------------------|--------|------------|-------|
|                                    |                      | Total  | Probation | Pretrial release | Parole | In custody | Other |
| All offenses                       | 33,290               | 32%  | 15%       | 10%              | 5%     | 1%         | 1%    |
| <b>Violent offenses</b>            | 7,999                | 27%  | 12%       | 9%               | 4%     | 1%         | 1%    |
| Murder                             | 349                  | 27   | 15        | 2                | 6      | 2          | 1     |
| Rape                               | 551                  | 21   | 9         | 8                | 2      | 1          | 1     |
| Robbery                            | 1,731                | 35   | 14        | 13               | 6      | 2          | 1     |
| Assault                            | 4,083                | 27   | 12        | 9                | 4      | 1          | 1     |
| Other violent                      | 1,289                | 24   | 12        | 7                | 3      | 1          | --    |
| <b>Property offenses</b>           | 10,101               | 37%  | 18%       | 10%              | 6%     | 2%         | 1%    |
| Burglary                           | 2,730                | 40   | 21        | 11               | 6      | 1          | --    |
| Larceny/theft                      | 2,961                | 36   | 17        | 10               | 6      | 1          | 1     |
| Motor vehicle theft                | 1,178                | 45   | 24        | 9                | 11     | 2          | --    |
| Forgery                            | 948                  | 37   | 16        | 12               | 3      | 4          | 2     |
| Fraud                              | 1,024                | 22   | 9         | 8                | 3      | 2          | 0     |
| Other property                     | 1,261                | 37   | 20        | 13               | 3      | 1          | --    |
| <b>Drug offenses</b>               | 12,194               | 31%  | 14%       | 10%              | 6%     | 1%         | 1%    |
| Trafficking                        | 5,266                | 31   | 12        | 12               | 5      | 1          | 1     |
| Other drug                         | 6,927                | 31   | 16        | 8                | 6      | --         | 1     |
| <b>Public-order offenses</b>       | 2,996                | 33%  | 16%       | 9%               | 6%     | 2%         | 1%    |
| Weapons                            | 852                  | 29   | 19        | 6                | 4      | 0          | --    |
| Driving-related                    | 967                  | 33   | 18        | 11               | 3      | 1          | --    |
| Other public-order                 | 1,179                | 35   | 12        | 9                | 9      | 4          | 1     |

Note: Data on criminal justice status at time of arrest were available for 59% of all cases. Data were not available for the following counties: Jefferson (AL), Contra Costa (CA), Riverside (CA), San Bernardino (CA), San Diego (CA), Santa Clara (CA), Broward (FL), Miami-Dade (FL), Palm Beach (FL), Macomb (MI), Essex (NJ), Bronx (NY), Kings (NY), Nassau (NY), Westchester (NY), Franklin (OH), Fairfax (VA). Some defendants with a criminal justice status had more than one type of status. For those cases, the status indicated is the most serious. Detail may not add to total because of rounding.  
--Less than 0.5%.

The percentage of defendants on parole at the time of their current felony arrest ranged from 9% of those charged with motor vehicle theft to 2% of those charged with rape (figure 6). Other offenses with at least 6% of the defendants on parole at the time of arrest included murder (7%), burglary (6%) and drug trafficking (6%).

Nearly a fourth of defendants charged with motor vehicle theft (24%) or burglary (23%) were on probation at the time of arrest. This was about twice the percentage of defendants charged with rape (11%) or fraud (11%) on probation at the time of arrest.

About 1 in 6 defendants charged with drug trafficking (18%) or robbery (17%) were on release pending disposition of a prior case when they were arrested on the current felony charge. These defendants were more than 3 times as likely as those charged with murder (5%) to have had such a status at the time of the current arrest.

**Criminal justice status of felony defendants in the 75 largest counties, by most serious arrest charge, 2002**

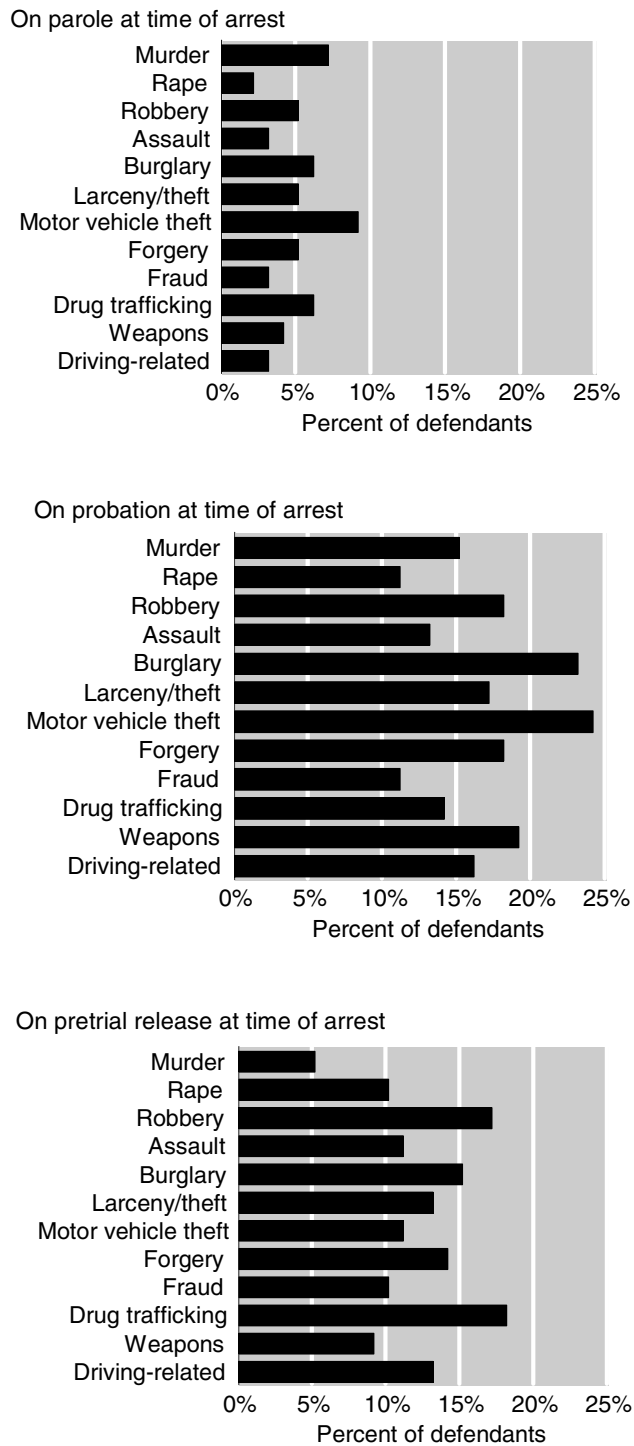


Figure 6

## Prior arrests

Seventy-six percent of all defendants had at least one prior felony or misdemeanor arrest (table 8). Defendants whose most serious current arrest charge was for a public-order (80%) or drug (79%) offense were more likely to have been previously arrested than those charged with a property (75%) or violent (72%) offense.

Among defendants charged with a violent offense, robbery (78%) and assault (74%) defendants were more likely to have an arrest record than those charged with rape (61%).

About 4 in 5 property defendants charged with motor vehicle theft (80%) or burglary (79%) had been arrested previously. This was true for about 3 in 4 defendants charged with forgery (75%) or larceny/theft (74%). Defendants charged with fraud (60%) were the least likely, among property defendants, to have one or more prior arrests.

Among public-order defendants, defendants charged with a driving-related felony (83%) were more likely to have an arrest record than those facing weapon charges (75%).

Among defendants with an arrest record, about 7 in 8 had more than one prior arrest charge, and a majority had at least five. Overall, 69% of defendants had two or more prior arrest charges, and 50% had five or more. Over half of defendants charged with motor vehicle theft (55%), a driving-related offense (54%), burglary (53%), or murder (52%) had five or more prior arrest charges. About a third of defendants charged with rape (32%) or fraud (32%) had five or more prior arrest charges.

An estimated 31% of defendants had 10 or more prior arrest charges. This included 35% of defendants charged with murder, burglary, or motor vehicle theft.

**Table 8. Number of prior arrest charges of felony defendants, by most serious current arrest charge, 2002**

| Most serious current arrest charge | Number of defendants | Percent of felony defendants in the 75 largest counties |                      |                   |                                |     |     |            |
|------------------------------------|----------------------|---|----------------------|-------------------|--------------------------------|-----|-----|------------|
|                                    |                      | Total   | Without prior arrest | With prior arrest |                                |     |     |            |
|                                    |                      |   |                      | Total             | Number of prior arrest charges |     |     |            |
|                                    |                      |   |                      |                   | 1                              | 2-4 | 5-9 | 10 or more |
| All offenses                       | 51,110               | 100%  | 24%                  | 76%               | 9%                             | 19% | 19% | 31%        |
| Violent offenses                   | 12,096               | 100%  | 28%                  | 72%               | 9%                             | 19% | 17% | 28%        |
| Murder                             | 421                  | 100   | 28                   | 72                | 5                              | 14  | 17  | 35         |
| Rape                               | 856                  | 100   | 39                   | 61                | 13                             | 17  | 16  | 16         |
| Robbery                            | 2,480                | 100   | 22                   | 78                | 9                              | 18  | 17  | 34         |
| Assault                            | 6,414                | 100   | 26                   | 74                | 9                              | 20  | 17  | 28         |
| Other violent                      | 1,925                | 100   | 36                   | 64                | 10                             | 20  | 14  | 20         |
| Property offenses                  | 15,769               | 100%  | 25%                  | 75%               | 9%                             | 17% | 18% | 32%        |
| Burglary                           | 4,274                | 100   | 21                   | 79                | 8                              | 17  | 18  | 35         |
| Larceny/theft                      | 4,513                | 100   | 26                   | 74                | 7                              | 15  | 17  | 34         |
| Motor vehicle theft                | 1,783                | 100   | 20                   | 80                | 10                             | 15  | 20  | 35         |
| Forgery                            | 1,525                | 100   | 25                   | 75                | 10                             | 19  | 19  | 26         |
| Fraud                              | 1,597                | 100   | 40                   | 60                | 11                             | 19  | 14  | 18         |
| Other property                     | 2,077                | 100   | 24                   | 76                | 9                              | 19  | 17  | 31         |
| Drug offenses                      | 18,334               | 100%  | 21%                  | 79%               | 8%                             | 19% | 20% | 31%        |
| Trafficking                        | 8,221                | 100   | 22                   | 78                | 8                              | 19  | 19  | 32         |
| Other drug                         | 10,113               | 100   | 20                   | 80                | 9                              | 20  | 21  | 30         |
| Public-order offenses              | 4,911                | 100%  | 20%                  | 80%               | 9%                             | 19% | 19% | 32%        |
| Weapons                            | 1,306                | 100   | 25                   | 75                | 10                             | 20  | 16  | 30         |
| Driving-related                    | 1,703                | 100   | 17                   | 83                | 8                              | 21  | 20  | 34         |
| Other public-order                 | 1,902                | 100   | 20                   | 80                | 10                             | 17  | 21  | 32         |

Note: Data on whether a defendant had any prior arrests were available for 91% of all cases. Data on the number of prior arrest charges were available for 91% of all cases. Kings (NY) and Bronx (NY) counties did not provide prior arrest data. Detail may not add to total because of rounding.

About two-thirds of the defendants under age 18 had no previous arrests (figure 7). This proportion dropped to about two-fifths among defendants age 18 to 20, to just under a fourth among those age 21 to 29, and about a sixth among those age 30 to 49. Nearly 1 in 4 defendants age 50 or older had no arrest record.

Approximately a fourth of the defendants age 18 to 20 had five or more prior arrests. This proportion rose to about two-fifths in the 21-to-24 age range, about half in the 25-to-29 age range, and around three-fifths in the 30-to-49 age range. In the latter age range, defendants were approximately 4 times as likely to have five or more prior arrests as no prior arrests.

Among defendants with an arrest record, about 4 in 5 had been arrested at least once for a felony. Overall, 64% of defendants had a felony arrest record (table 9). About half of all defendants had multiple prior felony arrest charges, including 30% with five or more.

**Number of prior arrest charges of felony defendants in the 75 largest counties, by age of arrest, 2002**

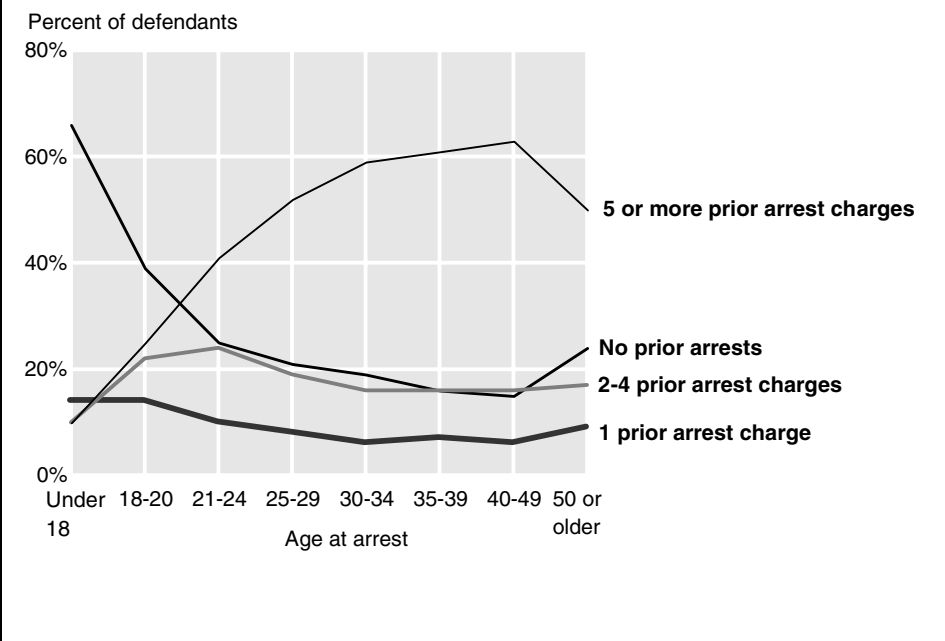


Figure 7

**Table 9. Number of prior felony arrest charges of felony defendants, by most serious current arrest charge, 2002**

| Most serious current arrest charge | Number of defendants | Percent of felony defendants in the 75 largest counties |                             |                    |                  |                          |                                |     |            |     |
|------------------------------------|----------------------|---|-----------------------------|--------------------|------------------|--------------------------|--------------------------------|-----|------------|-----|
|                                    |                      | Total   | Without prior felony arrest |                    |                  | With prior felony arrest |                                |     |            |     |
|                                    |                      |   | Total                       | Non-felony arrests | No prior arrests | Total                    | Number of prior felony charges |     |            |     |
|                                    |                      |   |                             |                    |                  | 1                        | 2-4                            | 5-9 | 10 or more |     |
| All offenses                       | 51,110               | 100%  | 36%                         | 13%                | 24%              | 64%                      | 12%                            | 22% | 16%        | 14% |
| Violent offenses                   | 12,096               | 100%  | 41%                         | 13%                | 28%              | 59%                      | 12%                            | 20% | 14%        | 13% |
| Murder                             | 421                  | 100   | 36                          | 8                  | 28               | 64                       | 8                              | 21  | 17         | 19  |
| Rape                               | 856                  | 100   | 57                          | 19                 | 39               | 43                       | 9                              | 16  | 10         | 8   |
| Robbery                            | 2,480                | 100   | 30                          | 9                  | 22               | 70                       | 11                             | 25  | 19         | 15  |
| Assault                            | 6,414                | 100   | 40                          | 14                 | 26               | 60                       | 13                             | 20  | 14         | 13  |
| Other violent                      | 1,925                | 100   | 51                          | 15                 | 36               | 49                       | 13                             | 18  | 10         | 8   |
| Property offenses                  | 15,769               | 100%  | 37%                         | 12%                | 25%              | 63%                      | 11%                            | 20% | 16%        | 16% |
| Burglary                           | 4,274                | 100   | 32                          | 11                 | 21               | 68                       | 11                             | 22  | 18         | 18  |
| Larceny/theft                      | 4,513                | 100   | 38                          | 12                 | 26               | 62                       | 10                             | 19  | 15         | 17  |
| Motor vehicle theft                | 1,783                | 100   | 29                          | 9                  | 20               | 71                       | 13                             | 23  | 17         | 18  |
| Forgery                            | 1,525                | 100   | 39                          | 15                 | 25               | 61                       | 12                             | 20  | 16         | 13  |
| Fraud                              | 1,597                | 100   | 57                          | 17                 | 40               | 43                       | 10                             | 15  | 9          | 9   |
| Other property                     | 2,077                | 100   | 36                          | 12                 | 24               | 64                       | 11                             | 21  | 15         | 17  |
| Drug offenses                      | 18,334               | 100%  | 33%                         | 12%                | 21%              | 67%                      | 12%                            | 23% | 17%        | 14% |
| Trafficking                        | 8,221                | 100   | 33                          | 11                 | 22               | 67                       | 12                             | 23  | 17         | 16  |
| Other drug                         | 10,113               | 100   | 33                          | 13                 | 20               | 67                       | 13                             | 24  | 17         | 13  |
| Public-order offenses              | 4,911                | 100%  | 36%                         | 16%                | 20%              | 64%                      | 11%                            | 22% | 16%        | 15% |
| Weapons                            | 1,306                | 100   | 36                          | 11                 | 25               | 64                       | 10                             | 25  | 15         | 14  |
| Driving-related                    | 1,703                | 100   | 39                          | 22                 | 17               | 61                       | 10                             | 22  | 15         | 14  |
| Other public-order                 | 1,902                | 100   | 34                          | 15                 | 20               | 66                       | 13                             | 20  | 17         | 16  |

Note: Data on whether a defendant had any prior felony arrests and the number of prior felony arrests were available for 91% of all cases. Kings (NY) and Bronx (NY) counties did not provide prior arrest data. Detail may not add to total because of rounding.

About 3 in 5 of the defendants facing a current charge for a violent felony had been previously arrested for a felony, including 70% of robbery defendants and 64% of murder defendants. Thirty-six percent of murder defendants had 5 or more prior felony arrest charges, including 19% with 10 or more.

Sixty-three percent of property defendants had one or more prior felony arrests. More than two-thirds of those currently charged with motor vehicle theft (71%) or burglary (68%) had a prior felony arrest record. Eighteen percent of burglary and motor vehicle theft defendants had 10 or more prior felony arrest charges.

Sixty-seven percent of drug defendants had at least one prior felony arrest charge, and 31% had five or more.

Sixty-four percent of public-order defendants had been previously arrested for a felony, including 31% with five or more prior felony charges.

### Prior convictions

Fifty-nine percent of felony defendants in the 75 largest counties had at least one prior conviction for a misdemeanor or a felony (table 10). Nearly four-fifths of those with a conviction record, accounting for 46% of defendants overall, had more than one prior conviction. Twenty-four percent of all defendants had five or more prior convictions.

Among defendants charged with a violent offense, 51% had at least one prior conviction. Murder (56%), robbery (53%), and assault (53%) defendants were the most likely to have a conviction record and rape defendants (39%) the least.

Fifty-nine percent of property defendants had been convicted previously, including 64% of burglary and motor vehicle theft defendants. Fifty-one percent of burglary and motor vehicle theft defendants also had multiple prior convictions.

Sixty-three percent of drug defendants had at least one prior conviction. Half had two or more, and a fourth had at least five.

Among public-order defendants, 65% had a conviction record, and 27% had five or more. Nearly three-fourths of the defendants facing driving-related charges (73%) had at least one prior conviction of some type, and about three-fifths had multiple prior convictions.

**Table 10. Number of prior convictions of felony defendants, by most serious current arrest charge, 2002**

| Most serious current arrest charge | Number of defendants | Percent of felony defendants in the 75 largest counties |                          |                       |                             |     |     |            |
|------------------------------------|----------------------|---|--------------------------|-----------------------|-----------------------------|-----|-----|------------|
|                                    |                      | Total   | Without prior conviction | With prior conviction |                             |     |     |            |
|                                    |                      |   |                          | Total                 | Number of prior convictions |     |     |            |
|                                    |                      |   |                          |                       | 1                           | 2-4 | 5-9 | 10 or more |
| All offenses                       | 54,420               | 100%  | 41%                      | 59%                   | 13%                         | 22% | 15% | 9%         |
| Violent offenses                   | 13,222               | 100%  | 49%                      | 51%                   | 12%                         | 19% | 13% | 6%         |
| Murder                             | 463                  | 100   | 44                       | 56                    | 11                          | 28  | 11  | 6          |
| Rape                               | 981                  | 100   | 61                       | 39                    | 12                          | 17  | 6   | 5          |
| Robbery                            | 2,958                | 100   | 47                       | 53                    | 11                          | 19  | 14  | 9          |
| Assault                            | 6,856                | 100   | 47                       | 53                    | 13                          | 19  | 14  | 6          |
| Other violent                      | 1,966                | 100   | 54                       | 46                    | 11                          | 18  | 12  | 5          |
| Property offenses                  | 16,437               | 100%  | 41%                      | 59%                   | 12%                         | 21% | 15% | 11%        |
| Burglary                           | 4,412                | 100   | 36                       | 64                    | 12                          | 23  | 14  | 14         |
| Larceny/theft                      | 4,798                | 100   | 42                       | 58                    | 10                          | 19  | 17  | 12         |
| Motor vehicle theft                | 1,790                | 100   | 36                       | 64                    | 12                          | 23  | 21  | 7          |
| Forgery                            | 1,656                | 100   | 44                       | 56                    | 14                          | 24  | 12  | 7          |
| Fraud                              | 1,637                | 100   | 55                       | 45                    | 13                          | 17  | 10  | 6          |
| Other property                     | 2,144                | 100   | 42                       | 58                    | 13                          | 21  | 13  | 11         |
| Drug offenses                      | 19,547               | 100%  | 37%                      | 63%                   | 13%                         | 25% | 16% | 9%         |
| Trafficking                        | 9,376                | 100   | 39                       | 61                    | 12                          | 24  | 16  | 9          |
| Other drug                         | 10,170               | 100   | 35                       | 65                    | 14                          | 26  | 17  | 9          |
| Public-order offenses              | 5,214                | 100%  | 35%                      | 65%                   | 13%                         | 25% | 16% | 11%        |
| Weapons                            | 1,465                | 100   | 45                       | 55                    | 13                          | 22  | 13  | 7          |
| Driving-related                    | 1,723                | 100   | 27                       | 73                    | 14                          | 28  | 18  | 13         |
| Other public-order                 | 2,028                | 100   | 34                       | 66                    | 13                          | 25  | 16  | 12         |

Note: Data on number of prior convictions were available for 97% of all cases. Detail may not add to total because of rounding.

Nearly 3 in 4 defendants with a conviction record, 43% of defendants overall, had at least one prior conviction for a felony (table 11).

Thirty-five percent of defendants whose current charge was for a violent felony had previously been convicted of a felony. Murder (42%) and robbery (41%) defendants were about twice as likely as rape defendants (21%) to have a felony conviction record. Thirty-six percent of assault defendants had a prior felony conviction.

Forty-three percent of property defendants had a felony conviction record, including 50% of those charged with motor vehicle theft and 47% of those charged with burglary. Defendants charged with fraud (27%) were the least likely to have a prior felony conviction.

Forty-seven percent of the defendants whose most serious current arrest charge was for a drug offense had been previously convicted of a felony. There was no variation by type of drug offense.

About two-thirds of the defendants with a felony conviction record, 29% of defendants overall, had multiple prior felony convictions. Nine percent of all defendants had five or more prior felony convictions.

By specific offense, defendants charged with motor vehicle theft (33%), burglary (32%), driving related offenses (32%), or drug trafficking (31%) were more than twice as likely to have multiple prior felony convictions as defendants charged with rape (13%).

**Table 11. Number of prior felony convictions of felony defendants, by most serious current arrest charge, 2002**

| Most serious current arrest charge | Number of defendants | Percent of felony defendants in the 75 largest counties |                                 |                |                      |                              |                                    |     |            |    |
|------------------------------------|----------------------|---|---------------------------------|----------------|----------------------|------------------------------|------------------------------------|-----|------------|----|
|                                    |                      | Total   | Without prior felony conviction |                |                      | With prior felony conviction |                                    |     |            |    |
|                                    |                      |   | Total                           | Nonfelony only | No prior convictions | Total                        | Number of prior felony convictions |     |            |    |
|                                    |                      |   |                                 |                |                      | 1                            | 2-4                                | 5-9 | 10 or more |    |
| All offenses                       | 54,420               | 100%  | 57%                             | 16%            | 41%                  | 43%                          | 14%                                | 20% | 7%         | 2% |
| Violent offenses                   | 13,222               | 100%  | 65%                             | 16%            | 49%                  | 35%                          | 13%                                | 16% | 5%         | 1% |
| Murder                             | 463                  | 100   | 58                              | 14             | 44                   | 42                           | 14                                 | 22  | 5          | 2  |
| Rape                               | 980                  | 100   | 79                              | 18             | 61                   | 21                           | 7                                  | 8   | 4          | 1  |
| Robbery                            | 2,958                | 100   | 59                              | 12             | 47                   | 41                           | 15                                 | 19  | 7          | 1  |
| Assault                            | 6,856                | 100   | 64                              | 17             | 47                   | 36                           | 13                                 | 15  | 5          | 1  |
| Other violent                      | 1,966                | 100   | 70                              | 16             | 54                   | 30                           | 11                                 | 14  | 4          | 1  |
| Property offenses                  | 16,437               | 100%  | 57%                             | 16%            | 41%                  | 43%                          | 14%                                | 18% | 8%         | 3% |
| Burglary                           | 4,413                | 100   | 53                              | 16             | 36                   | 47                           | 15                                 | 20  | 9          | 3  |
| Larceny/theft                      | 4,798                | 100   | 58                              | 15             | 42                   | 42                           | 13                                 | 17  | 8          | 4  |
| Motor vehicle theft                | 1,790                | 100   | 50                              | 14             | 36                   | 50                           | 17                                 | 24  | 9          | -- |
| Forgery                            | 1,656                | 100   | 62                              | 18             | 43                   | 38                           | 16                                 | 16  | 5          | 2  |
| Fraud                              | 1,637                | 100   | 73                              | 19             | 55                   | 27                           | 10                                 | 11  | 4          | 2  |
| Other property                     | 2,144                | 100   | 58                              | 16             | 42                   | 42                           | 14                                 | 19  | 7          | 3  |
| Drug offenses                      | 19,547               | 100%  | 53%                             | 16%            | 37%                  | 47%                          | 15%                                | 23% | 7%         | 2% |
| Trafficking                        | 9,376                | 100   | 53                              | 14             | 39                   | 47                           | 15                                 | 22  | 7          | 2  |
| Other drug                         | 10,169               | 100   | 53                              | 18             | 35                   | 47                           | 15                                 | 23  | 7          | 2  |
| Public-order offenses              | 5,214                | 100%  | 54%                             | 19%            | 35%                  | 46%                          | 14%                                | 22% | 8%         | 2% |
| Weapons                            | 1,465                | 100   | 59                              | 14             | 45                   | 41                           | 13                                 | 22  | 4          | 2  |
| Driving-related                    | 1,723                | 100   | 54                              | 27             | 27                   | 46                           | 14                                 | 19  | 10         | 3  |
| Other public-order                 | 2,028                | 100   | 49                              | 16             | 34                   | 51                           | 15                                 | 24  | 9          | 3  |

Note: Data on number of prior felony convictions were available for 97% of all cases. Detail may not add to total because of rounding.  
--Less than 0.5%.

Ninety percent of defendants under age 18 at the time of the current arrest had no prior adult convictions (figure 8). Seven percent of these defendants had been previously convicted of at least one felony. In the 18-to-20 age range, 66% of defendants had no prior convictions, while 20% had at least one prior felony conviction.

A majority of the defendants age 21 or older had a conviction record, and defendants ages 25 to 49 were more likely to have a felony conviction record than no prior convictions. About half of defendants age 30 to 49 had a felony conviction record.

For about a fourth of the defendants with a prior felony conviction, 11% of defendants overall, their criminal history included at least one conviction for a violent felony (table 12). Fourteen percent of the defendants currently charged with a violent offense had a prior conviction for a violent felony.

**Most serious prior conviction of felony defendants in the 75 largest counties, by age at arrest, 2002**

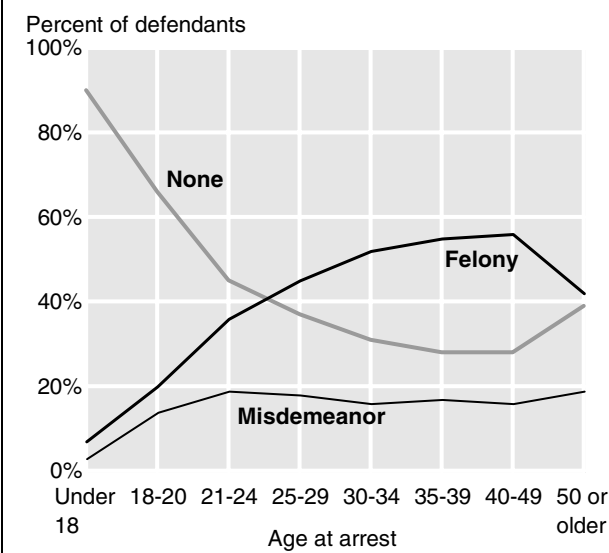


Figure 8

**Table 12. Most serious prior conviction of felony defendants, by most serious current arrest charge, 2002**

| Most serious current arrest charge | Number of defendants | Percent of felony defendants in the 75 largest counties |                          |                               |         |            |       |             |
|------------------------------------|----------------------|---|--------------------------|-------------------------------|---------|------------|-------|-------------|
|                                    |                      | Total   | Without prior conviction | Most serious prior conviction |         |            |       | Misdemeanor |
|                                    |                      |   |                          | Total                         | Felony  |            | Total |             |
|                                    |                      |   |                          | Total                         | Violent | Nonviolent |       |             |
| All offenses                       | 53,168               | 100%  | 42%                      | 58%                           | 41%     | 11%        | 30%   | 17%         |
| Violent offenses                   | 12,932               | 100%  | 50%                      | 50%                           | 34%     | 14%        | 19%   | 16%         |
| Murder                             | 450                  | 100   | 45                       | 55                            | 40      | 21         | 20    | 15          |
| Rape                               | 963                  | 100   | 62                       | 38                            | 19      | 11         | 9     | 19          |
| Robbery                            | 2,822                | 100   | 49                       | 51                            | 39      | 15         | 24    | 12          |
| Assault                            | 6,760                | 100   | 48                       | 52                            | 35      | 16         | 19    | 18          |
| Other violent                      | 1,939                | 100   | 55                       | 45                            | 29      | 9          | 20    | 17          |
| Property offenses                  | 16,231               | 100%  | 42%                      | 58%                           | 42%     | 9%         | 32%   | 16%         |
| Burglary                           | 4,334                | 100   | 37                       | 63                            | 46      | 10         | 36    | 17          |
| Larceny/theft                      | 4,728                | 100   | 43                       | 57                            | 41      | 9          | 32    | 16          |
| Motor vehicle theft                | 1,786                | 100   | 36                       | 64                            | 50      | 11         | 39    | 14          |
| Forgery                            | 1,630                | 100   | 44                       | 56                            | 37      | 7          | 30    | 18          |
| Fraud                              | 1,629                | 100   | 55                       | 45                            | 26      | 5          | 21    | 19          |
| Other property                     | 2,127                | 100   | 42                       | 58                            | 42      | 11         | 30    | 16          |
| Drug offenses                      | 18,896               | 100%  | 38%                      | 62%                           | 45%     | 9%         | 36%   | 17%         |
| Trafficking                        | 8,751                | 100   | 42                       | 58                            | 43      | 9          | 34    | 16          |
| Other drug                         | 10,143               | 100   | 35                       | 65                            | 47      | 9          | 38    | 18          |
| Public-order offenses              | 5,109                | 100%  | 35%                      | 65%                           | 45%     | 15%        | 30%   | 19%         |
| Weapons                            | 1,430                | 100   | 46                       | 54                            | 39      | 15         | 24    | 15          |
| Driving-related                    | 1,706                | 100   | 28                       | 72                            | 45      | 12         | 34    | 27          |
| Other public-order                 | 1,976                | 100   | 35                       | 65                            | 49      | 19         | 30    | 16          |

Note: Data on the most serious prior violent and nonviolent felony conviction were available for 95% of all cases. Detail may not add to total because of rounding.

By specific arrest charge, the percentage of defendants previously convicted of a violent felony ranged from 21% of murder defendants to 5% of defendants charged with fraud (figure 9).

For 39% of motor vehicle theft defendants, the most serious prior conviction was a nonviolent felony. This was also the case for 36% of defendants charged with burglary, and 34% of those charged with drug trafficking or a driving-related offense.

Defendants charged with a driving-related offense (27%) were much more likely than other defendants to have a conviction record that consisted only of misdemeanors.

**Most serious prior conviction of felony defendants in the 75 largest counties, by most serious current arrest charge, 2002**

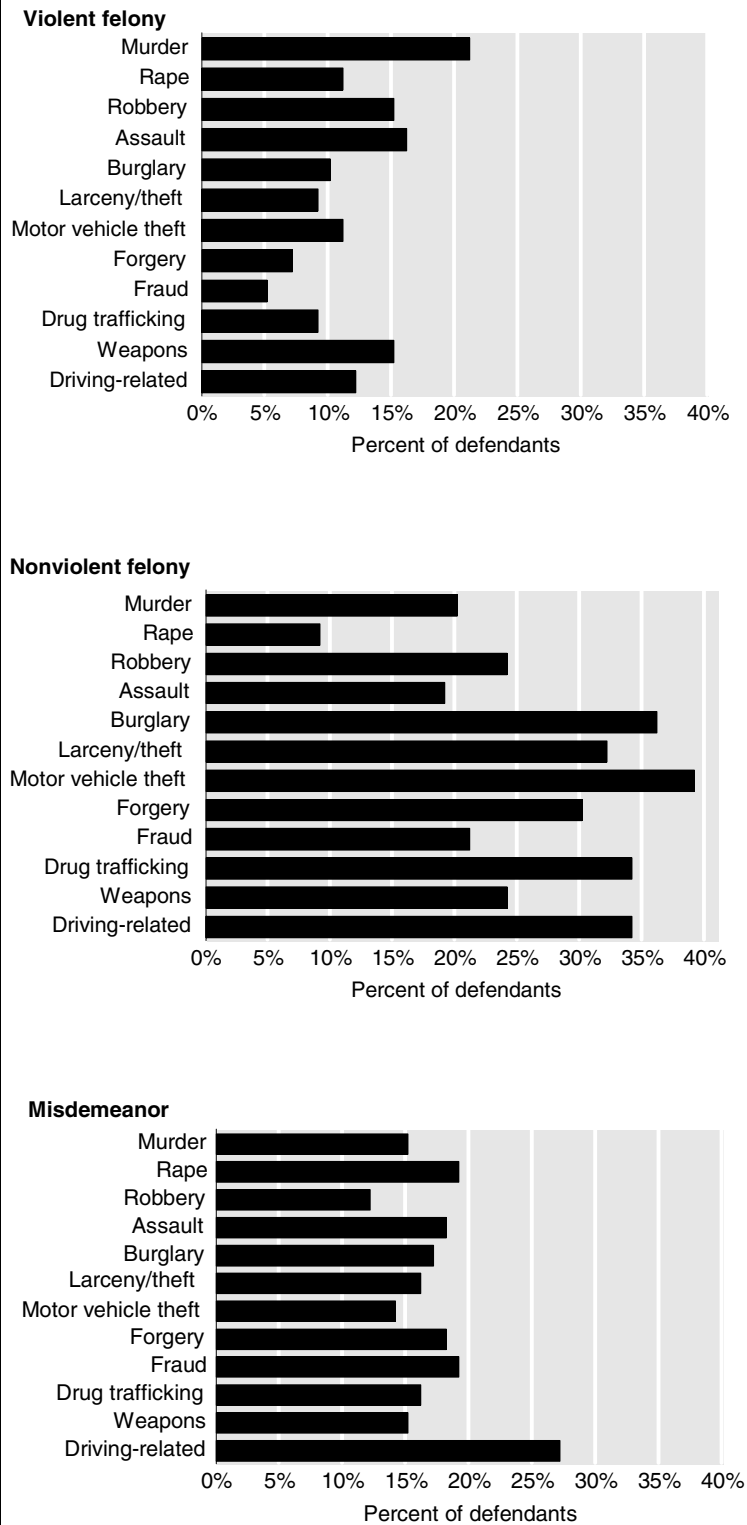


Figure 9

## Pretrial release and detention

### Rates of release and detention

An estimated 62% of felony defendants in the 75 largest counties were released prior to the final disposition of their case (table 13). By general offense category, defendants charged with a violent offense (55%) were less likely to be released than those whose most serious arrest charge was a public-order (68%) or drug (66%) offense.

Within the violent offense category, release rates varied greatly. Just 8% of murder defendants were released compared to 62% of those charged with assault. Fifty-five percent of rape defendants and 42% of robbery defendants were released before the court disposed of their case.

Among defendants charged with a property offense, under half of those charged with burglary (49%) or motor vehicle theft (44%) were released prior to case disposition. Higher proportions of those charged with fraud (80%), forgery (64%), or larceny/theft (64%) were released.

About two-thirds of drug defendants charged with drug trafficking (65%) or with other drug offenses (68%) were released prior to the disposition of their case. Among public-order defendants, at least two-thirds of those charged with a driving-related (70%), weapons (68%), or public-order offense (67%) were released.

Among the 38% of defendants who were detained in jail until case disposition, about 5 in 6 had a bail amount set but did not post the money required to secure release. Detained murder defendants were the exception to this rule; a slight majority of them, 49% of all murder defendants, were ordered held without bail (figure 10). Overall, 6% of felony defendants in the 75 largest counties were denied bail.

**Table 13. Felony defendants released before or detained until case disposition, by most serious arrest charge, 2002**

| Most serious arrest charge   | Number of defendants | Percent of defendants in the 75 largest counties |                                  |                                 |
|------------------------------|----------------------|--|----------------------------------|---------------------------------|
|                              |                      | Total  | Released before case disposition | Detained until case disposition |
| All offenses                 | 54,120               | 100%   | 62%                              | 38%                             |
| <b>Violent offenses</b>      | 13,198               | 100%   | 55%                              | 45%                             |
| Murder                       | 465                  | 100  | 8                                | 92                              |
| Rape                         | 957                  | 100  | 55                               | 45                              |
| Robbery                      | 2,952                | 100  | 42                               | 58                              |
| Assault                      | 6,862                | 100  | 62                               | 38                              |
| Other violent                | 1,964                | 100  | 64                               | 36                              |
| <b>Property offenses</b>     | 16,301               | 100%   | 61%                              | 39%                             |
| Burglary                     | 4,400                | 100  | 49                               | 51                              |
| Larceny/theft                | 4,715                | 100  | 64                               | 36                              |
| Motor vehicle theft          | 1,816                | 100  | 44                               | 56                              |
| Forgery                      | 1,626                | 100  | 64                               | 36                              |
| Fraud                        | 1,632                | 100  | 80                               | 20                              |
| Other property               | 2,112                | 100  | 74                               | 26                              |
| <b>Drug offenses</b>         | 19,581               | 100%   | 66%                              | 34%                             |
| Trafficking                  | 9,399                | 100  | 65                               | 35                              |
| Other drug                   | 10,182               | 100  | 68                               | 32                              |
| <b>Public-order offenses</b> | 5,040                | 100%   | 68%                              | 32%                             |
| Weapons                      | 1,459                | 100  | 68                               | 32                              |
| Driving-related              | 1,707                | 100  | 70                               | 30                              |
| Other public-order           | 1,875                | 100  | 67                               | 33                              |

Note: Data on detention/release outcome were available for 97% of all cases. Detail may not add to total because of rounding.

**Pretrial detention of felony defendants in the 75 largest counties, by most serious arrest charge, 2002**

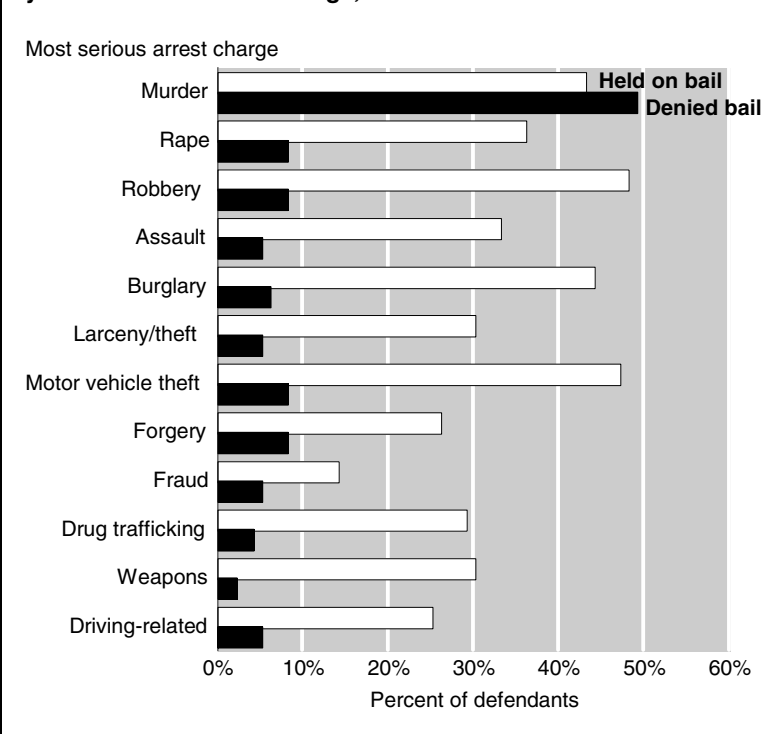


Figure 10

A slight majority of the defendants released prior to case disposition, 34% of defendants overall, were released under financial conditions that required the posting of bail (see *Methodology* for definitions related to pretrial release) (table 14). The most common type of release was surety bond (26% of all defendants and 41% of released defendants), which involves the services of a commercial bail bond agent (figure 11).

Other types of financial release were deposit bond (6% of all defendants and 10% of released defendants), full cash bond (2% and 3%), and property bond (less than 1%). All of these types of bonds are posted directly with the court without the use of a bail bond agent.

Less than half of released defendants, 28% of defendants overall, were released under nonfinancial conditions not requiring the posting of bail (table 14).

Release on personal recognizance (14% of all defendants and 23% of released defendants) and conditional release (11% of all defendants and 18% of released defendants), were the types of nonfinancial release used most often.

A small number of defendants were released prior to case disposition as the result of an emergency release used to relieve jail crowding. Such releases did not involve the use of any of the release types mentioned above.

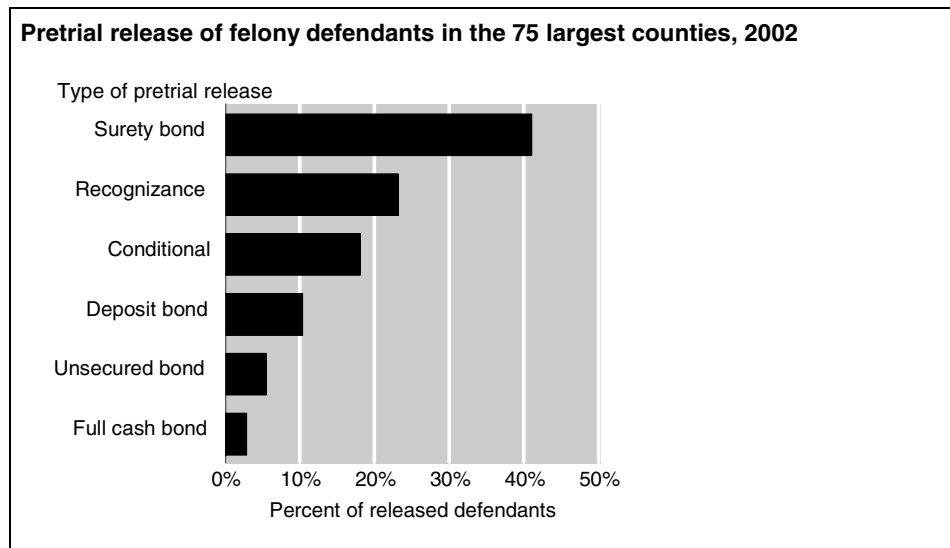


Figure 11

Table 14. Type of pretrial release or detention of felony defendants, by most serious arrest charge, 2002

| Most serious arrest charge | Percent of felony defendants in the 75 largest counties |              |                |               |                     |                                 |             |           |                   |     | Detained until case disposition |             |
|----------------------------|---|--------------|----------------|---------------|---------------------|---------------------------------|-------------|-----------|-------------------|-----|---------------------------------|-------------|
|                            | Released before case disposition                        |              |                |               |                     | Released after case disposition |             |           |                   |     |                                 |             |
|                            | Financial release                                       |              |                |               |                     | Nonfinancial release            |             |           |                   |     | Held on bail                    | Denied bail |
| Total financial            | Surety bond   | Deposit bond | Full cash bond | Property bond | Total non-financial | Recognizance                    | Conditional | Unsecured | Emergency release |     |                                 |             |
| All offenses               | 34%   | 26%          | 6%             | 2%            | --%                 | 28%                             | 14%         | 11%       | 3%                | --% | 32%                             | 6%          |
| Violent offenses           | 37%   | 26%          | 9%             | 2%            | 1%                  | 18%                             | 8%          | 8%        | 1%                | 0%  | 37%                             | 8%          |
| Murder                     | 3   | 3            | 0              | 0             | 0                   | 4                               | 2           | 2         | 1                 | 0   | 43                              | 49          |
| Rape                       | 43  | 33           | 7              | 2             | 2                   | 11                              | 6           | 4         | 2                 | --  | 36                              | 9           |
| Robbery                    | 27  | 17           | 7              | 2             | 1                   | 15                              | 7           | 8         | --                | 0   | 50                              | 8           |
| Assault                    | 43  | 28           | 12             | 2             | 1                   | 19                              | 8           | 10        | 1                 | --  | 33                              | 5           |
| Other violent              | 40  | 34           | 3              | 3             | 1                   | 24                              | 12          | 9         | 3                 | 0   | 30                              | 6           |
| Property offenses          | 30%   | 24%          | 4%             | 1%            | 1%                  | 30%                             | 16%         | 11%       | 3%                | --% | 34%                             | 6%          |
| Burglary                   | 28  | 23           | 4              | 1             | --                  | 20                              | 9           | 10        | 2                 | 0   | 46                              | 6           |
| Larceny/theft              | 33  | 26           | 5              | 2             | 1                   | 31                              | 14          | 12        | 5                 | --  | 31                              | 5           |
| Motor vehicle theft        | 23  | 22           | 1              | --            | 0                   | 21                              | 8           | 12        | 1                 | 0   | 47                              | 8           |
| Forgery                    | 29  | 25           | 3              | 1             | --                  | 34                              | 18          | 14        | 2                 | 1   | 27                              | 9           |
| Fraud                      | 33  | 28           | 3              | 2             | 1                   | 47                              | 31          | 11        | 5                 | --  | 14                              | 5           |
| Other property             | 30  | 20           | 8              | 1             | --                  | 45                              | 30          | 10        | 5                 | --  | 22                              | 3           |
| Drug offenses              | 34%   | 26%          | 6%             | 2%            | --%                 | 33%                             | 16%         | 12%       | 4%                | --% | 29%                             | 5%          |
| Trafficking                | 39  | 27           | 9              | 2             | 1                   | 26                              | 13          | 9         | 4                 | 0   | 31                              | 4           |
| Other drug                 | 29  | 25           | 3              | 1             | --                  | 38                              | 18          | 15        | 5                 | --  | 28                              | 5           |
| Public-order offenses      | 41%   | 31%          | 7%             | 2%            | --%                 | 28%                             | 15%         | 11%       | 2%                | --% | 28%                             | 4%          |
| Weapons                    | 44  | 26           | 15             | 2             | 0                   | 24                              | 14          | 7         | 3                 | 1   | 30                              | 2           |
| Driving-related            | 42  | 35           | 4              | 3             | 0                   | 28                              | 14          | 13        | 2                 | 0   | 26                              | 4           |
| Other public-order         | 38  | 32           | 4              | 1             | --                  | 29                              | 16          | 11        | 2                 | --  | 27                              | 6           |

Note: Data on specific type of pretrial release or detention were available for 90% of all cases. Detail may not add to total because of rounding. --Less than 0.5%.

## Bail amounts

Overall, 66% of felony defendants had a bail amount set by the court, and were required to post all or part of that amount to secure release while their case was pending. The remainder were granted nonfinancial release (28%), ordered held without bail (6%), or were part of an emergency release (less than 0.5%). More than half of those with a bail amount had it set at \$10,000 or more, and a fifth had it set at \$50,000 or more (table 15).

Among defendants with a bail amount set, those charged with a violent offense (35%) were about twice as likely as other defendants to have it set at \$50,000 or more. About 5 in 6 murder defendants (83%) with a bail amount had it set at \$50,000 or more, as did more than two-fifths of rape (44%) and robbery (41%) defendants.

Among property defendants with a bail amount set, those charged with burglary (20%) or motor vehicle theft (20%) were the most likely to have bail set at \$50,000 or more. Defendants charged with drug trafficking (22%) were nearly twice as likely to have bail set at \$50,000 or more as other drug defendants (12%). Among public-order defendants 20% of those charged with a weapons offense and 17% of those charged with a driving-related offense had bail set at \$50,000 or more.

Overall, defendants who were detained until case disposition had a median bail amount 5 times that of defendants who secured release (\$25,000 versus \$5,000) (table 16). The mean bail amount for detained defendants (\$83,300) was more than 5 times that of defendants who secured release (\$15,200).

Detained murder defendants had the highest median (\$250,000) and mean (\$620,900) bail amounts. Overall, the median bail amount set for murder defendants was \$250,000 and the mean was \$574,900.

**Table 15. Bail amount set for felony defendants, by most serious arrest charge, 2002**

| Most serious arrest charge | Number of defendants | Percent of felony defendants in the 75 largest counties with a bail amount of — |                 |                   |                   |                  |
|----------------------------|----------------------|---|-----------------|-------------------|-------------------|------------------|
|                            |                      | Under \$5,000   | \$5,000-\$9,999 | \$10,000-\$24,999 | \$25,000-\$49,999 | \$50,000 or more |
| All offenses               | 31,894               | 25%   | 18%             | 22%               | 13%               | 21%              |
| Violent offenses           | 8,888                | 19%   | 15%             | 17%               | 13%               | 35%              |
| Murder                     | 198                  | 10  | 2               | 6                 | 0                 | 83               |
| Rape                       | 704                  | 9   | 13              | 18                | 16                | 44               |
| Robbery                    | 1,999                | 14  | 8               | 17                | 19                | 41               |
| Assault                    | 4,728                | 23  | 19              | 17                | 12                | 30               |
| Other violent              | 1,258                | 22  | 15              | 20                | 12                | 32               |
| Property offenses          | 9,248                | 29%   | 19%             | 25%               | 13%               | 15%              |
| Burglary                   | 2,910                | 17  | 18              | 26                | 19                | 20               |
| Larceny/theft              | 2,683                | 38  | 16              | 25                | 9                 | 12               |
| Motor vehicle theft        | 1,173                | 15  | 21              | 28                | 15                | 20               |
| Forgery                    | 834                  | 37  | 25              | 24                | 6                 | 8                |
| Fraud                      | 674                  | 40  | 21              | 20                | 9                 | 10               |
| Other property             | 977                  | 36  | 17              | 22                | 11                | 14               |
| Drug offenses              | 10,668               | 26%   | 19%             | 24%               | 13%               | 17%              |
| Trafficking                | 5,910                | 24  | 17              | 22                | 16                | 22               |
| Other drug                 | 4,758                | 29  | 23              | 27                | 9                 | 12               |
| Public-order offenses      | 3,090                | 27%   | 22%             | 22%               | 14%               | 16%              |
| Weapons                    | 992                  | 18  | 22              | 20                | 20                | 20               |
| Driving-related            | 1,023                | 27  | 20              | 26                | 10                | 17               |
| Other public-order         | 1,074                | 34  | 22              | 21                | 12                | 11               |

Note: Data on bail amount were available for 95% of all defendants for whom a bail amount was set. Table excludes defendants given nonfinancial release.

**Table 16. Median and mean bail amounts set for felony defendants, by pretrial release/detention outcome and most serious arrest charge, 2002**

| Most serious arrest charge | Felony defendants in the 75 largest counties |          |          |                  |          |           |
|----------------------------|--|----------|----------|------------------|----------|-----------|
|                            | Median bail amount                           |          |          | Mean bail amount |          |           |
|                            | Total  | Released | Detained | Total            | Released | Detained  |
| All offenses               | \$10,000                                     | \$5,000  | \$25,000 | \$48,400         | \$15,200 | \$83,300  |
| Violent offenses           | \$20,000                                     | \$7,500  | \$50,000 | \$90,800         | \$21,300 | \$156,900 |
| Murder                     | 250,000                                      | 35,000   | 250,000  | 574,900          | 50,300   | 620,900   |
| Rape                       | 25,000                                       | 20,000   | 75,000   | 145,300          | 33,300   | 268,700   |
| Robbery                    | 30,000                                       | 10,000   | 50,000   | 72,500           | 21,500   | 97,500    |
| Assault                    | 10,500                                       | 5,000    | 50,000   | 73,400           | 21,000   | 136,700   |
| Other violent              | 15,000                                       | 5,000    | 50,000   | 78,700           | 15,000   | 158,600   |
| Property offenses          | \$10,000                                     | \$5,000  | \$15,000 | \$30,000         | \$9,900  | \$47,100  |
| Burglary                   | 15,000                                       | 6,000    | 25,000   | 33,600           | 11,500   | 47,000    |
| Larceny/theft              | 5,000  | 3,500    | 15,000   | 28,200           | 8,000    | 48,100    |
| Motor vehicle theft        | 12,000                                       | 5,000    | 20,000   | 34,700           | 8,400    | 46,400    |
| Forgery                    | 5,000  | 5,000    | 8,000    | 21,700           | 8,100    | 36,600    |
| Fraud                      | 5,000  | 4,800    | 15,000   | 27,600           | 13,900   | 59,000    |
| Other property             | 6,000  | 5,000    | 15,000   | 27,800           | 10,400   | 50,000    |
| Drug offenses              | \$10,000                                     | \$5,000  | \$20,000 | \$34,900         | \$15,900 | \$59,200  |
| Trafficking                | 15,000                                       | 7,500    | 25,000   | 42,900           | 16,300   | 76,800    |
| Other drug                 | 7,500  | 5,000    | 15,000   | 25,000           | 15,400   | 37,200    |
| Public-order offenses      | \$10,000                                     | \$5,000  | \$25,000 | \$27,400         | \$10,600 | \$51,100  |
| Weapons                    | 10,000                                       | 5,000    | 30,000   | 34,400           | 13,400   | 63,700    |
| Driving-related            | 10,000                                       | 5,000    | 25,000   | 24,900           | 9,600    | 48,000    |
| Other public-order         | 5,000  | 5,000    | 15,000   | 23,400           | 9,000    | 42,500    |

Note: Data on bail amount were available for 95% of all defendants for whom a bail amount was set. Bail amounts have been rounded to the nearest hundred dollars. Table excludes defendants given nonfinancial release.

Overall, about half (51%) of defendants who were required to post bail to secure release did so. Among defendants with a bail set at under \$5,000, 74% posted the amount needed for release, as did 67% of those with a bail amount of \$5,000 to \$9,999 (figure 12). In contrast, just 16% of the defendants with bail set at \$50,000 or more, and 38% of those with a bail amount of \$25,000 to \$49,999 met the financial conditions required for release.

Among defendants released on financial conditions, the median and mean bail amounts were slightly higher for those released on surety bond (\$7,000, \$17,500) than for those released on deposit bond (\$5,000, \$8,500). Defendants released on full cash bond posted a median of \$1,500 and a mean of \$5,700 to secure release.

| Type of release bond | Bail amount |          |
|----------------------|-------------|----------|
|                      | Median      | Mean     |
| Surety               | \$7,000     | \$17,500 |
| Deposit              | 5,000       | 8,500    |
| Full cash            | 1,500       | 5,700    |
| Property             | 10,000      | 27,500   |
| Unsecured            | \$10,000    | \$11,100 |

Unlike those released on full cash bond, defendants released on deposit bond generally posted 10% of the full bail amount with the court to secure release. However, they remained liable to the court for the full bail amount if they violated the terms of release.

Those released on surety bond paid a similar fee to a bail bond agent, who assumed liability to the court for the full bail amount if the defendant violated the terms of release.

Defendants released on an unsecured bond had a median bail amount of \$10,000 and a mean bail amount of \$11,100. These defendants did not have to post any of this amount, but like those on financial release, they were liable for the full bail amount if they violated the terms of release.

**Probability of release for felony defendants in the 75 largest counties, by bail amount set, 2002**

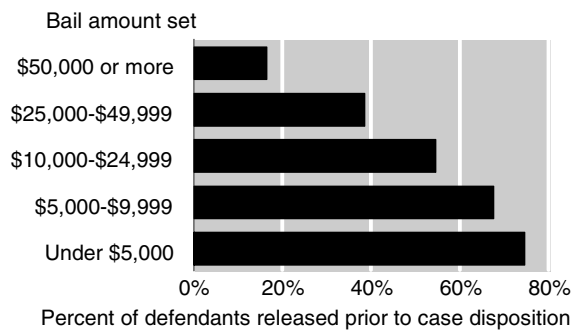


Figure 12

### Time from arrest to release

Among defendants released prior to case disposition, 48% were released within 1 day of arrest, and 73% within 1 week (table 17). Nearly all releases during the 1-year study occurred within a month of arrest (90%).

By general offense category, less than half of the defendants charged with a drug (44%) or violent (43%) offense were released within 1 day of arrest.

A majority of those charged with a public-order (56%) or property (55%) offense were released this quickly.

Of released murder defendants, 14% were released within 1 day of arrest, compared to 66% of those released after being charged with fraud, 64% of those charged with a driving-related offense and 61% of those charged with larceny/theft. After 1 month 31% of murder defendant releases had occurred, compared to nearly all of the releases of other defendants.

**Table 17. Time from arrest to release for felony defendants released before case disposition, by most serious arrest charge, 2002**

| Most serious arrest charge | Released felony defendants in the 75 largest counties<br>Number of defendants | Percent who were released within — |        |         |
|----------------------------|---|------------------------------------|--------|---------|
|                            |   | 1 day                              | 1 week | 1 month |
| All offenses               | 32,029  | 48%                                | 73%    | 90%     |
| Violent offenses           | 6,953   | 43%                                | 69%    | 87%     |
| Murder                     | 35  | 14                                 | 14     | 31      |
| Rape                       | 502   | 43                                 | 67     | 85      |
| Robbery                    | 1,200   | 35                                 | 62     | 82      |
| Assault                    | 4,020   | 42                                 | 71     | 89      |
| Other violent              | 1,196   | 54                                 | 72     | 89      |
| Property offenses          | 9,360   | 55%                                | 76%    | 92%     |
| Burglary                   | 1,987   | 44                                 | 70     | 88      |
| Larceny/theft              | 2,890   | 61                                 | 83     | 94      |
| Motor vehicle theft        | 771   | 54                                 | 73     | 89      |
| Forgery                    | 996   | 53                                 | 74     | 94      |
| Fraud                      | 1,233   | 66                                 | 80     | 93      |
| Other property             | 1,485   | 52                                 | 73     | 92      |
| Drug offenses              | 12,431  | 44%                                | 72%    | 90%     |
| Trafficking                | 5,818   | 42                                 | 70     | 88      |
| Other drug                 | 6,613   | 46                                 | 74     | 92      |
| Public-order offenses      | 3,285   | 56%                                | 79%    | 94%     |
| Weapons                    | 953   | 48                                 | 77     | 92      |
| Driving-related            | 1,146   | 64                                 | 84     | 97      |
| Other public-order         | 1,188   | 54                                 | 76     | 92      |

Note: Data on time from arrest to release were available for 95% of all cases. Release data were collected for up to 1 year.

When differences among offense types are held constant, defendants released under nonfinancial terms generally took longer to secure their release than those who were released under financial conditions. Among defendants who were released under financial conditions, the amount of time from arrest to pretrial release tended to increase as did the bail amount.

### Criminal history and probability of release

Court decisions about bail and pretrial release are typically based on the judgment of whether a defendant will appear in court as scheduled and whether there is potential danger to the community from crimes that a defendant may commit if released. Many States have established specific criteria to be considered by the courts when setting release conditions.

The SCPS data illustrate how release rates vary with some of these factors. For example, 69% of the defendants without an active criminal justice status when arrested for the current offense were released prior to case disposition, compared to 43% of those with such a status (table 18). Defendants on parole (31%) at the time of arrest were the least likely to be released, followed by those on probation (44%). This compared with 54% of those released pending disposition of a prior case.

Seventy-seven percent of the defendants with no prior arrests were released, compared to 57% of those who had been previously arrested. Among defendants with an arrest record, those who had never missed a court appearance (65%) had a higher probability of being released than those who had failed to appear at least once during a previous case (49%).

About three-fourths of defendants without a prior conviction (76%) were released prior to disposition of the current case, compared to about half of those with a conviction record (52%). Among defendants with a conviction record, release rates ranged from 63% for those with a single prior conviction to 44% for those with five or more.

Less than half of the defendants with one or more prior felony convictions (48%) were released prior to disposition of the current case, compared to about two-thirds of those whose prior convictions involved only misdemeanors (65%). Those with a prior conviction for a violent felony (44%) had a slightly lower release rate than those whose most serious prior conviction was for a nonviolent felony (48%).

**Table 18. Percent of felony defendants who were released prior to case disposition, by criminal history, 2002**

| Criminal history                     | Number of defendants | Felony defendants in the 75 largest counties |                   |                       |                                 |              |             |
|--------------------------------------|----------------------|--|-------------------|-----------------------|---------------------------------|--------------|-------------|
|                                      |                      | Released prior to case disposition           |                   |                       | Detained until case disposition |              |             |
|                                      |                      | Total released                               | Financial release | Non-financial release | Total                           | Held on bail | Denied bail |
| <b>Criminal justice status</b>       |                      |  |                   |                       |                                 |              |             |
| Any type                             | 13,711               | 43%  | 25%               | 18%                   | 57%                             | 46%          | 11%         |
| On parole                            | 2,652                | 31   | 19                | 12                    | 69                              | 57           | 12          |
| On probation                         | 7,271                | 44   | 24                | 20                    | 56                              | 46           | 10          |
| On pretrial release*                 | 3,197                | 54   | 35                | 19                    | 46                              | 35           | 12          |
| None                                 | 36,084               | 69   | 37                | 32                    | 31                              | 28           | 3           |
| <b>Court appearance history</b>      |                      |  |                   |                       |                                 |              |             |
| With prior arrest(s)                 | 37,736               | 57%  | 32%               | 25%                   | 43%                             | 37%          | 7%          |
| With prior failure to appear         | 15,723               | 49   | 24                | 25                    | 51                              | 44           | 8           |
| Made all prior appearances           | 17,031               | 65   | 40                | 25                    | 35                              | 29           | 6           |
| No prior arrests                     | 11,454               | 77   | 44                | 33                    | 23                              | 19           | 4           |
| <b>Number of prior convictions</b>   |                      |  |                   |                       |                                 |              |             |
| With prior conviction(s)             | 31,097               | 52%  | 29%               | 23%                   | 48%                             | 41%          | 7%          |
| 5 or more                            | 12,536               | 44   | 26                | 18                    | 56                              | 48           | 8           |
| 2-4                                  | 11,852               | 56   | 31                | 24                    | 44                              | 38           | 7           |
| 1                                    | 6,563                | 63   | 33                | 30                    | 37                              | 31           | 6           |
| None                                 | 21,376               | 76   | 41                | 35                    | 24                              | 20           | 4           |
| <b>Most serious prior conviction</b> |                      |  |                   |                       |                                 |              |             |
| Any type of felony                   | 22,452               | 48%  | 28%               | 20%                   | 52%                             | 45%          | 8%          |
| Violent felony                       | 5,586                | 44   | 28                | 16                    | 56                              | 47           | 8           |
| Nonviolent felony                    | 15,616               | 48   | 28                | 20                    | 52                              | 44           | 8           |
| Misdemeanor                          | 8,645                | 65   | 34                | 31                    | 35                              | 30           | 5           |

Note: Criminal justice status statistics were not available for several counties in the SCPS sample. Detail may not add to total because of rounding.

\*Includes all defendants who were released prior to case disposition and did not have an open bench warrant for failure-to-appear.

## Conduct of released defendants

Among defendants who were released prior to case disposition, 33% committed some type of misconduct while in a release status (table 19). This may have been in the form of a failure to appear in court, an arrest for a new offense, or some other violation of release conditions that resulted in the revocation of that release by the court.

By original offense category the proportion of defendants charged with pretrial misconduct was highest for drug defendants (40%) and lowest for those released after being charged with a violent offense (22%). Thirty-four percent of defendants charged with a property offense and 29% of defendants charged with a public-order offense committed some type of pretrial misconduct.

By specific arrest offense, rates of pretrial misconduct were lower among defendants released after being charged with rape (16%), assault (21%), murder (23%), or fraud (23%) than among those released after being charged with motor vehicle theft (38%), drug trafficking (38%), or burglary (39%).

### Failure to appear in court

Seventy-eight percent of the defendants who were released prior to case disposition made all scheduled court appearances. Bench warrants for failing to appear in court were issued for the remaining 22% (table 20).

Released drug defendants (29%) had the highest failure-to-appear rate followed by property (21%) and public-order (19%) defendants. Twelve percent of defendants charged with a

violent offense failed to appear in court as scheduled, ranging from 15% of robbery defendants to no murder defendants.

Over a fourth of the defendants who failed to appear in court, 6% of all defendants, were still fugitives at the end of the 1-year study period. The remainder were returned to the court (either voluntarily or not) before the end of the study.

Defendants released after being charged with a drug offense (8%) were more likely to be a fugitive after 1 year than defendants released after being charged with a property (5%), public-order (5%) or violent (4%) offense. No released murder defendants were in a fugitive status at the end of the 1-year study period.

**Table 19. Released felony defendants committing misconduct, by most serious arrest charge, 2002**

| Most serious arrest charge | Released felony defendants in the 75 largest counties |                         |
|----------------------------|---|-------------------------|
|                            | Number  | Percent with misconduct |
| All offenses               | 33,593  | 33%                     |
| Violent offenses           | 7,282   | 22%                     |
| Murder                     | 35  | 23                      |
| Rape                       | 528   | 16                      |
| Robbery                    | 1,244   | 28                      |
| Assault                    | 4,222   | 21                      |
| Other violent              | 1,254   | 24                      |
| Property offenses          | 9,879   | 34%                     |
| Burglary                   | 2,138   | 39                      |
| Larceny/theft              | 3,023   | 30                      |
| Motor vehicle theft        | 802   | 38                      |
| Forgery                    | 1,033   | 33                      |
| Fraud                      | 1,313   | 23                      |
| Other property             | 1,572   | 41                      |
| Drug offenses              | 12,983  | 40%                     |
| Trafficking                | 6,108   | 38                      |
| Other drug                 | 6,875   | 41                      |
| Public-order offenses      | 3,449   | 29%                     |
| Weapons                    | 998   | 27                      |
| Driving-related            | 1,192   | 30                      |
| Other public-order         | 1,259   | 30                      |

Note: Types of misconduct included failure to appear in court, rearrest for a new offense, or a technical violation of release conditions that resulted in the revocation of pretrial release. Data were collected for up to 1 year.

**Table 20. Released felony defendants who failed to make a scheduled court appearance, by most serious arrest charge, 2002**

| Most serious arrest charge | Number of defendants | Percent of released felony defendants in the 75 largest counties who —<br>Made all court appearances | Failed to appear in court |                   |                     |
|----------------------------|----------------------|--|---------------------------|-------------------|---------------------|
|                            |                      |  | Total                     | Returned to court | Remained a fugitive |
|                            |                      |  |                           |                   |                     |
| All offenses               | 33,341               | 78%  | 22%                       | 16%               | 6%                  |
| Violent offenses           | 7,225                | 88%  | 12%                       | 8%                | 4%                  |
| Murder                     | 35                   | 100  | 0                         | 0                 | 0                   |
| Rape                       | 527                  | 91   | 9                         | 7                 | 1                   |
| Robbery                    | 1,231                | 85   | 15                        | 11                | 4                   |
| Assault                    | 4,195                | 89   | 11                        | 8                 | 4                   |
| Other violent              | 1,237                | 89   | 11                        | 7                 | 4                   |
| Property offenses          | 9,814                | 79%  | 21%                       | 16%               | 5%                  |
| Burglary                   | 2,121                | 78   | 22                        | 16                | 5                   |
| Larceny/theft              | 3,002                | 81   | 19                        | 14                | 5                   |
| Motor vehicle theft        | 798                  | 80   | 20                        | 18                | 2                   |
| Forgery                    | 1,028                | 78   | 22                        | 16                | 6                   |
| Fraud                      | 1,296                | 84   | 16                        | 11                | 5                   |
| Other property             | 1,569                | 71   | 29                        | 22                | 7                   |
| Drug offenses              | 12,869               | 71%  | 29%                       | 21%               | 8%                  |
| Trafficking                | 6,052                | 74   | 26                        | 19                | 7                   |
| Other drug                 | 6,817                | 69   | 31                        | 22                | 9                   |
| Public-order offenses      | 3,433                | 81%  | 19%                       | 13%               | 5%                  |
| Weapons                    | 994                  | 82   | 18                        | 12                | 6                   |
| Driving-related            | 1,192                | 81   | 19                        | 13                | 5                   |
| Other public-order         | 1,246                | 81   | 19                        | 14                | 5                   |

Note: Data on the court appearance record for the current case were available for 99% of cases involving a defendant released prior to case disposition. All defendants who failed to appear in court and were not returned to the court during the 1-year study period are counted as fugitives. Some of these defendants may have been returned to the court at a later date. Detail may not add to total because of rounding.

**Rearrest for a new offense**

Overall, 18% of released defendants were rearrested for a new offense allegedly committed while they awaited disposition of their original case (table 21). About two-thirds of these defendants, 12% of all released defendants, were charged with a new felony. By specific original arrest charge, released burglary (24%), murder (23%), motor vehicle theft (23%), and drug (21%) defendants had higher pretrial rearrest rates than defendants originally charged with rape (8%) or fraud (10%).

Twenty-three percent of defendants released after originally being charged with murder were rearrested for a new felony while in a release status (figure 13). This was the case for 18% of defendants released after they were charged with burglary or motor vehicle theft.

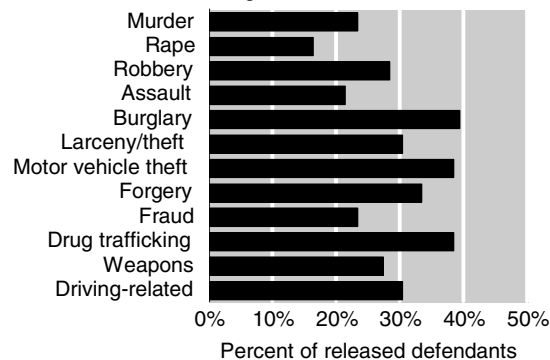
**Table 21. Released felony defendants who were rearrested prior to case disposition, by most serious arrest charge, 2002**

| Most serious arrest charge | Number of defendants | Percent of released felony defendants in the 75 largest counties |                |            |        |              |
|----------------------------|----------------------|--|----------------|------------|--------|--------------|
|                            |                      | Total  | Not rearrested | Rearrested |        |              |
|                            |                      |  |                | Total      | Felony | Misde-meanor |
| All offenses               | 32,708               | 100%   | 82%            | 18%        | 12%    | 6%           |
| Violent offenses           | 7,080                | 100%   | 87%            | 13%        | 8%     | 5%           |
| Murder                     | 35                   | 100  | 77             | 23         | 23     | 0            |
| Rape                       | 523                  | 100  | 92             | 8          | 7      | 2            |
| Robbery                    | 1,231                | 100  | 84             | 16         | 11     | 5            |
| Assault                    | 4,080                | 100  | 87             | 13         | 8      | 5            |
| Other violent              | 1,210                | 100  | 86             | 14         | 8      | 5            |
| Property offenses          | 9,592                | 100%   | 81%            | 19%        | 14%    | 5%           |
| Burglary                   | 2,101                | 100  | 76             | 24         | 18     | 6            |
| Larceny/theft              | 2,927                | 100  | 84             | 16         | 11     | 5            |
| Motor vehicle theft        | 793                  | 100  | 77             | 23         | 18     | 4            |
| Forgery                    | 989                  | 100  | 84             | 16         | 12     | 4            |
| Fraud                      | 1,257                | 100  | 90             | 10         | 7      | 2            |
| Other property             | 1,527                | 100  | 76             | 24         | 16     | 8            |
| Drug offenses              | 12,698               | 100%   | 79%            | 21%        | 15%    | 7%           |
| Trafficking                | 5,991                | 100  | 79             | 21         | 15     | 6            |
| Other drug                 | 6,707                | 100  | 79             | 21         | 14     | 7            |
| Public-order offenses      | 3,338                | 100%   | 84%            | 16%        | 10%    | 6%           |
| Weapons                    | 967                  | 100  | 84             | 16         | 11     | 5            |
| Driving-related            | 1,151                | 100  | 85             | 15         | 9      | 6            |
| Other public-order         | 1,220                | 100  | 84             | 16         | 9      | 7            |

Note: Rearrest data were available for 97% of released defendants. Rearrest data were collected for 1 year. Rearrests occurring after the end of this 1-year study period are not included in the table. Information on rearrests occurring in jurisdictions other than the one granting the pretrial release was not always available. Detail may not add to total because of rounding.

**Misconduct prior to case disposition by released felony defendants in the 75 largest counties, 2002**

**Committing any type of misconduct**  
Most serious arrest charge



**Rearrested for a new felony**  
Most serious arrest charge

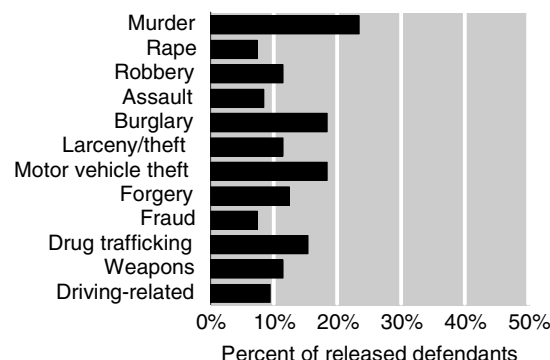


Figure 13

## Adjudication

### Time from arrest to adjudication

For 48% of felony defendants in the 75 largest counties, adjudication of their case occurred within 3 months of arrest, and 69% of cases were adjudicated within 6 months (table 22). By the end of the 1-year study period, 87% of all cases had been adjudicated.

While the overall median time from arrest to adjudication was 98 days, it was nearly twice this long for rape defendants (186 days), and nearly 4 times this long for murder defendants (361 days). Defendants charged with motor vehicle theft had the shortest median time from arrest to adjudication (50 days).

At the end of the 1-year study period, 50% of murder defendants were awaiting adjudication of their case, compared to 27% of rape defendants, and no more than 21% of the defendants in any other offense category.

Excluding those charged with murder (for which the median for released defendants could not be calculated), the median time from arrest to adjudication was shorter for detained defendants than for those released (figure 14).

For most charged offenses, the median time from arrest to adjudication was nearly 3 months longer for defendants released after being charged than for those detained. The difference was about 3½ months for drug trafficking defendants, and 1½ months for rape defendants. Overall, the median time from arrest to adjudication was 136 days for released defendants compared to 51 days for those detained.

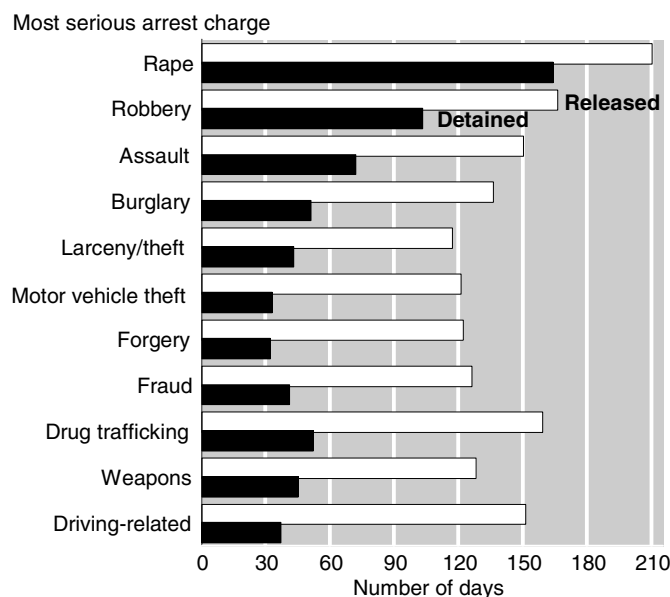
Excluding murder, the longest median time from arrest to adjudication among released defendants was for those charged with rape (209 days), followed by those charged with robbery (165 days), drug trafficking (158 days), or a driving-related offense (150 days). In contrast, detained defendants charged with motor vehicle theft (32 days) or forgery (31 days) had their cases adjudicated in about a month.

**Table 22. Time from arrest to adjudication for felony defendants, by most serious arrest charge, 2002**

| Most serious arrest charge | Number of defendants | Median time | Felony defendants in the 75 largest counties     |         |          |          |        |
|----------------------------|----------------------|-------------|--|---------|----------|----------|--------|
|                            |                      |             | Cumulative percent of cases adjudicated within — |         |          |          |        |
|                            |                      |             | 1 week   | 1 month | 3 months | 6 months | 1 year |
| All offenses               | 55,213               | 98 days     | 6%   | 24%     | 48%      | 69%      | 87%    |
| Violent offenses           | 13,469               | 131 days    | 3%   | 16%     | 37%      | 60%      | 82%    |
| Murder                     | 469                  | 361         | 0  | 2       | 4        | 20       | 50     |
| Rape                       | 981                  | 186         | 2  | 11      | 24       | 49       | 73     |
| Robbery                    | 2,972                | 125         | 4  | 18      | 38       | 63       | 86     |
| Assault                    | 7,038                | 117         | 3  | 19      | 41       | 65       | 85     |
| Other violent              | 2,013                | 135         | 3  | 12      | 36       | 57       | 79     |
| Property offenses          | 16,699               | 82 days     | 4%   | 25%     | 52%      | 74%      | 89%    |
| Burglary                   | 4,470                | 85          | 4  | 26      | 52       | 75       | 91     |
| Larceny/theft              | 4,837                | 77          | 4  | 23      | 55       | 75       | 90     |
| Motor vehicle theft        | 1,842                | 50          | 6  | 39      | 63       | 82       | 94     |
| Forgery                    | 1,685                | 70          | 5  | 27      | 56       | 76       | 89     |
| Fraud                      | 1,694                | 100         | 5  | 20      | 46       | 68       | 87     |
| Other property             | 2,174                | 121         | 3  | 19      | 41       | 64       | 83     |
| Drug offenses              | 19,787               | 86 days     | 8%   | 28%     | 51%      | 71%      | 87%    |
| Trafficking                | 9,512                | 114         | 7  | 22      | 44       | 66       | 85     |
| Other drug                 | 10,275               | 62          | 10   | 34      | 58       | 75       | 90     |
| Public-order offenses      | 5,258                | 98 days     | 5%   | 24%     | 48%      | 70%      | 87%    |
| Weapons                    | 1,470                | 105         | 2  | 24      | 47       | 71       | 86     |
| Driving-related            | 1,750                | 107         | 4  | 21      | 45       | 68       | 88     |
| Other public-order         | 2,038                | 89          | 8  | 27      | 51       | 71       | 88     |

Note: Data on time from arrest to adjudication were available for 98% of all cases. The median time from arrest to adjudication includes cases still pending at the end of the study. Knowing the exact times for these cases would not change the medians reported. Murder cases were tracked for up to 2 years. All other cases were tracked for up to 1 year.

**Median time from arrest to adjudication for felony defendants in the 75 largest counties, by pretrial detention-release outcome, 2002**



Note: Murder defendants are excluded because their median time from arrest to adjudication exceeded the 1-year study period, and could not be calculated.

Figure 14

**Table 23. Adjudication outcome for felony defendants, by most serious arrest charge, 2002**

| Most serious arrest charge | Number of defendants | Percent of felony defendants in the 75 largest counties |        |       |      |             |       |     |               |            |             |                |
|----------------------------|----------------------|---|--------|-------|------|-------------|-------|-----|---------------|------------|-------------|----------------|
|                            |                      | Convicted   |        |       |      |             |       |     | Not convicted |            |             | Other outcome* |
|                            |                      | Total convicted   | Felony |       |      | Misdemeanor |       |     | Total         | Dis-missed | Ac- quitted |                |
|                            | Total                | Plea  | Trial  | Total | Plea | Trial       | Total |     |               |            |             |                |
| All offenses               | 49,349               | 68%   | 57%    | 54%   | 3%   | 11%         | 11%   | --% | 25%           | 24%        | 1%          | 7%             |
| Violent offenses           | 11,535               | 60%   | 48%    | 43%   | 5%   | 11%         | 11%   | 1%  | 35%           | 33%        | 2%          | 5%             |
| Murder                     | 385                  | 81  | 80     | 41    | 39   | 1           | 0     | 1   | 17            | 13         | 4           | 2              |
| Rape                       | 760                  | 67  | 59     | 53    | 6    | 8           | 8     | 0   | 26            | 24         | 2           | 6              |
| Robbery                    | 2,628                | 66  | 58     | 53    | 6    | 8           | 8     | --  | 32            | 31         | 1           | 2              |
| Assault                    | 6,097                | 55  | 41     | 38    | 3    | 14          | 13    | 1   | 38            | 36         | 2           | 6              |
| Other violent              | 1,664                | 57  | 47     | 42    | 5    | 10          | 10    | --  | 35            | 34         | 1           | 7              |
| Property offenses          | 15,328               | 72%   | 59%    | 56%   | 3%   | 13%         | 12%   | --% | 22%           | 22%        | --%         | 6%             |
| Burglary                   | 4,165                | 75  | 66     | 63    | 3    | 9           | 9     | --  | 21            | 20         | 1           | 4              |
| Larceny/theft              | 4,460                | 69  | 54     | 50    | 4    | 15          | 14    | 1   | 24            | 24         | --          | 7              |
| Motor vehicle theft        | 1,767                | 74  | 68     | 65    | 3    | 5           | 5     | 0   | 20            | 19         | 1           | 7              |
| Forgery                    | 1,558                | 76  | 57     | 55    | 3    | 19          | 19    | 0   | 18            | 17         | 1           | 6              |
| Fraud                      | 1,516                | 70  | 59     | 56    | 3    | 11          | 11    | 1   | 18            | 18         | 0           | 11             |
| Other property             | 1,862                | 67  | 50     | 49    | 1    | 17          | 17    | --  | 29            | 28         | 1           | 4              |
| Drug offenses              | 17,749               | 69%   | 60%    | 57%   | 3%   | 8%          | 8%    | --% | 21%           | 20%        | 1%          | 11%            |
| Trafficking                | 8,239                | 76  | 64     | 60    | 4    | 12          | 11    | --  | 20            | 19         | 1           | 5              |
| Other drug                 | 9,510                | 63  | 57     | 55    | 2    | 6           | 6     | --  | 22            | 21         | --          | 16             |
| Public-order offenses      | 4,737                | 73%   | 59%    | 56%   | 3%   | 14%         | 14%   | --% | 22%           | 21%        | 1%          | 5%             |
| Weapons                    | 1,310                | 67  | 56     | 53    | 4    | 11          | 10    | 1   | 28            | 25         | 3           | 5              |
| Driving-related            | 1,581                | 87  | 73     | 71    | 2    | 14          | 13    | --  | 10            | 10         | 0           | 3              |
| Other public-order         | 1,847                | 65  | 49     | 46    | 3    | 17          | 17    | 0   | 28            | 28         | 1           | 6              |

Note: Twelve percent of all cases were still pending adjudication at the end of the 1-year study period, and are excluded from the table. Data on adjudication outcome were available for 98% of those cases that had been adjudicated. Detail may not add to total because of rounding. --Less than 0.5%.

\*Includes diversion and deferred adjudication. Murder defendants were followed for an additional year.

**Adjudication outcome**

Sixty-eight percent of the defendants whose cases were adjudicated within 1 year of arrest were convicted (table 23). A majority of these convictions were for a felony, with 57% of defendants eventually convicted of a felony.

Defendants originally charged with a violent offense (60%) were less likely to be convicted of a felony or a misdemeanor, than those originally charged with a drug (69%), property (72%), or public-order (73%) offense. By specific type of arrest offense, the proportion of defendants convicted ranged from 87% of those charged with a driving-related felony to 55% of those charged with assault.

More than three-fifths of the defendants whose most serious arrest charge was murder (80%), a driving-related offense (73%), motor vehicle theft (68%), burglary (66%), or drug trafficking (64%) were convicted of a felony. A majority of defendants

charged with rape (59%), fraud (59%), robbery (58%), forgery (57%), weapons (56%), and larceny/theft (54%) also received a felony conviction. The lowest felony conviction rate was for assault (41%) defendants.

In most cases where the defendant was not convicted, it was because the charges against the defendant were dismissed. An estimated 24% of all cases ended in this way. Defendants charged with assault (36%) were about 3 times as likely to have their case dismissed as those charged with a driving-related offense (10%) or murder (13%).

About 7% of cases had other outcomes such as diversion or deferred adjudication.

Eighty-one percent of the defendants who were detained until case disposition were eventually convicted of some offense, compared to 60% of those released pending disposition (table 24). Nearly three-fourths of detained

defendants (72%) were convicted of a felony, compared to about half of released defendants (48%).

**Table 24. Adjudication outcome for felony defendants, by detention-release outcome and most serious arrest charge, 2002**

| Most serious arrest charge | Number of de- fendants | Convicted |        |
|----------------------------|------------------------|-----------|--------|
|                            |                        | Total     | Felony |
| <b>Released defendants</b> |                        |           |        |
| All offenses               | 28,134                 | 60%       | 48%    |
| Violent offenses           | 5,837                  | 46%       | 32%    |
| Property offenses          | 8,443                  | 64        | 49     |
| Drug offenses              | 10,936                 | 61        | 54     |
| Public-order offenses      | 2,918                  | 69        | 55     |
| <b>Detained defendants</b> |                        |           |        |
| All offenses               | 19,474                 | 81%       | 72%    |
| Violent offenses           | 5,298                  | 76%       | 68%    |
| Property offenses          | 6,280                  | 83        | 75     |
| Drug offenses              | 6,374                  | 82        | 73     |
| Public-order offenses      | 1,522                  | 82        | 72     |

To some extent adjudication outcome was related to the number and type of the original arrest charges filed. Seventy-four percent of defendants who originally were charged with more than one felony eventually were convicted of some offense, compared to 64% of the defendants who had no additional felony charges (table 25).

Sixty-five percent of defendants whose original arrest charges included more than one felony eventually were convicted of a felony compared to 52% of those with no additional felony charges. Among the defendants who had no additional felony charges, those who were charged with one or more misdemeanors (44%), were less likely to be convicted of a felony than those who had no additional charges of any type (55%).

Defendants with only one felony charge, but one or more additional misdemeanor charges, were more likely than other defendants to be eventually convicted of a misdemeanor (20%). This almost always was the result of pleading guilty to a misdemeanor charge instead of the original felony charge.

Overall, nearly two-thirds of defendants entered a guilty plea at some point, with 54% pleading guilty to a felony, and 11% to a misdemeanor.

Defendants charged with a driving-related offense had the highest overall plea rate (83%) and the highest felony plea rate (71%) (figure 15). A majority of the defendants in each offense category except murder (41%) and

assault (50%) eventually pleaded guilty to either a felony or a misdemeanor.

A majority of the defendants charged with motor vehicle theft (65%), burglary (63%), drug trafficking (60%), fraud (56%), forgery (54%), rape (53%), a weapons offense (53%), or robbery (52%) pleaded guilty to a felony. About two-fifths of murder (41%) and assault (38%) defendants entered a felony guilty plea.

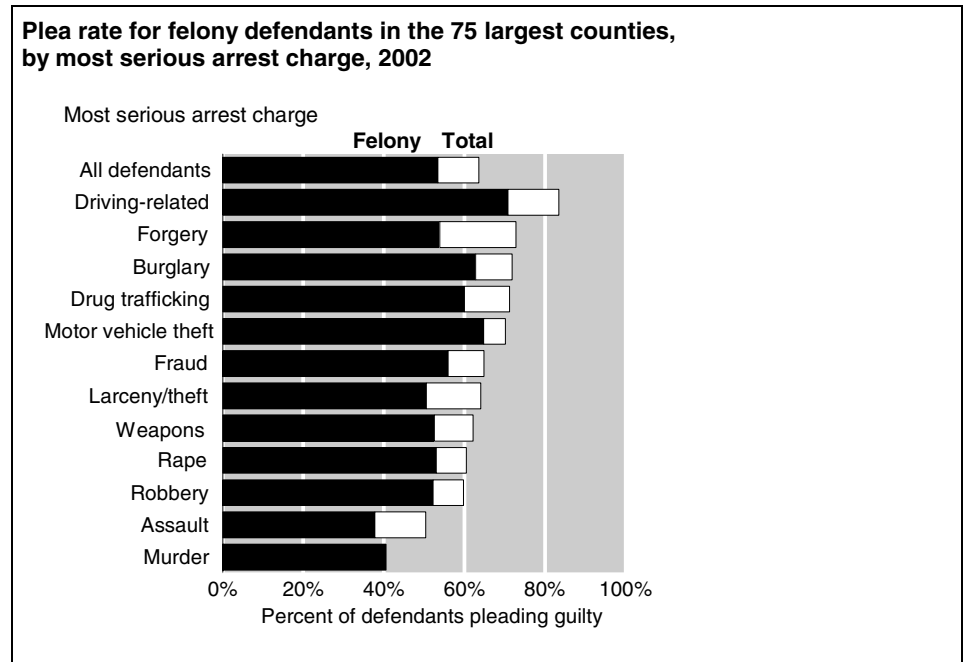


Figure 15

**Table 25. Adjudication outcome for felony defendants, by number and type of arrest charges, 2002**

| Additional charges filed | Number of defendants | Percent of felony defendants in the 75 largest counties |           |        |    |             |    |       |               |           |    |                |
|--------------------------|----------------------|---|-----------|--------|----|-------------|----|-------|---------------|-----------|----|----------------|
|                          |                      | Total convicted   | Convicted |        |    |             |    |       | Not convicted |           |    | Other outcome* |
|                          |                      |   | Total     | Felony |    | Misdemeanor |    | Total | Dis-missed    | Acquitted |    |                |
| Additional felony        | 19,637               | 74%   | 65%       | 61%    | 4% | 9%          | 8% | --%   | 22%           | 21%       | 1% | 4%             |
| No additional felony     | 29,710               | 64  | 52        | 49     | 3  | 13          | 12 | --    | 27            | 26        | 1  | 9              |
| Misdemeanor(s) only      | 8,794                | 64  | 44        | 42     | 2  | 20          | 19 | 1     | 27            | 27        | 1  | 9              |
| No additional charges    | 20,917               | 64  | 55        | 52     | 3  | 9           | 9  | --    | 26            | 26        | 1  | 10             |

Note: Twelve percent of all cases were still pending adjudication at the end of the 1-year study period.

Data on adjudication outcome were available for 98% of those cases that had been adjudicated.

--Less than 0.5%.

\*Includes diversion and deferred adjudication.

An estimated 5% of the cases went to trial. Sixty-one percent of these trials were bench trials, decided by a judge, and 39% were jury trials. An estimated 85% of all trials ended with a guilty verdict, and 15% with an acquittal. Bench trials (88%) were somewhat more likely to result in a conviction than jury trials (80%). Seventy-nine percent of bench trials and 71% of jury trials resulted in a felony conviction.

| Type of trial | Percent of trials resulting in a conviction |        |             |
|---------------|---|--------|-------------|
|               | Total                                       | Felony | Misdemeanor |
| Total         | 85%   | 76%    | 9%          |
| Bench         | 88  | 79     | 9           |
| Jury          | 80  | 71     | 9           |

Forty-four percent of defendants facing murder charges went to trial, compared to no more than 9% of defendants charged with other offenses (figure 16).

Regardless of adjudication method, a majority of convicted defendants were convicted of the same felony offense as the original arrest charge. Among defendants arrested for murder and

later convicted, 74% were convicted of murder (table 26). The corresponding percentages for other violent offenses were as follows: robbery (65%), assault (59%), and rape (54%).

**Trial rates for felony defendants in the 75 largest counties, by most serious arrest charge, 2002**

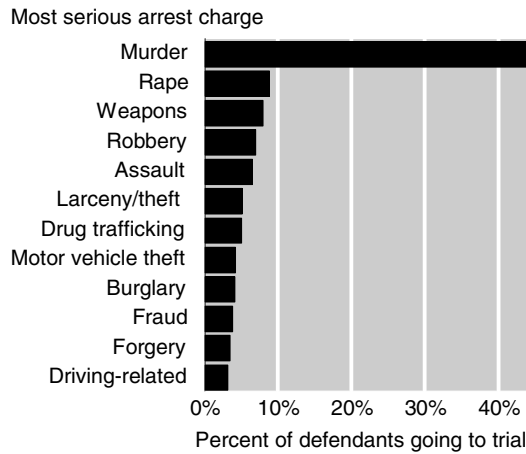


Figure 16

**Table 26. Conviction offense of defendants arrested for a violent offense and subsequently convicted, by most serious arrest charge, 2002**

| Most serious arrest charge | Number of defendants | Percent of felony defendants in the 75 largest counties convicted of — |              |                |            |           |           |           |       |    |                    |             |
|----------------------------|----------------------|--|--------------|----------------|------------|-----------|-----------|-----------|-------|----|--------------------|-------------|
|                            |                      | Total  | Total felony | Violent felony |            |           |           |           |       |    | Non-violent felony | Misdemeanor |
|                            |                      |  |              | Total violent  | Murder     | Rape      | Robbery   | Assault   | Other |    |                    |             |
| Murder                     | 314                  | 100%   | 99%          | 91%            | <b>74%</b> | 0%        | 3%        | 5%        | 9%    | 8% | 1%                 |             |
| Rape                       | 513                  | 100  | 88           | 85             | 0          | <b>54</b> | 0         | 4         | 27    | 2  | 13                 |             |
| Robbery                    | 1,733                | 100  | 88           | 71             | 0          | 0         | <b>65</b> | 5         | 1     | 17 | 12                 |             |
| Assault                    | 3,361                | 100  | 74           | 64             | 0          | 0         | 1         | <b>59</b> | 5     | 10 | 26                 |             |

Note: Data on conviction offense were available for 100% of cases involving defendants who had been convicted. Detail may not add to total because of rounding. --Less than 0.5%.

**Table 27. Conviction offense of defendants arrested for a nonviolent offense and subsequently convicted, by most serious arrest charge, 2002**

| Most serious arrest charge | Number of defendants | Percent of felony defendants in the 75 largest counties convicted of — |                   |                   |               |                     |           |           |                  |           |                 |       |                |             |
|----------------------------|----------------------|--|-------------------|-------------------|---------------|---------------------|-----------|-----------|------------------|-----------|-----------------|-------|----------------|-------------|
|                            |                      | Total felony   | Total non-violent | Nonviolent felony |               |                     |           |           |                  |           |                 |       | Violent felony | Misdemeanor |
|                            |                      |  |                   | Burglary          | Larceny/theft | Motor vehicle theft | Forgery   | Fraud     | Drug trafficking | Weapons   | Driving-related | Other |                |             |
| Burglary                   | 3,127                | 87%  | 87%               | <b>69%</b>        | 8%            | 3%                  | 2%        | 1%        | --%              | 0%        | 0%              | 4%    | 1%             | 13%         |
| Larceny/theft              | 3,083                | 79   | 79                | 1                 | <b>66</b>     | 2                   | 3         | 2         | --               | 0         | --              | 3     | 0              | 21          |
| Motor vehicle theft        | 1,302                | 93   | 92                | 1                 | 1             | <b>82</b>           | 1         | 1         | 1                | --        | 1               | 4     | 1              | 7           |
| Forgery                    | 1,177                | 75   | 75                | 1                 | 2             | 0                   | <b>67</b> | 2         | 0                | --        | --              | 3     | 0              | 25          |
| Fraud                      | 1,063                | 84   | 84                | --                | 4             | --                  | 7         | <b>67</b> | 0                | 0         | --              | 5     | 0              | 16          |
| Drug trafficking           | 6,223                | 85   | 84                | --                | --            | --                  | --        | --        | <b>73</b>        | 1         | --              | 10    | --             | 15          |
| Weapons                    | 874                  | 84   | 83                | 1                 | --            | --                  | 0         | 0         | 0                | <b>78</b> | 2               | 1     | 1              | 16          |
| Driving-related            | 1,369                | 84   | 81                | 0                 | 0             | --                  | 1         | --        | --               | 0         | <b>80</b>       | 0     | 3              | 16          |

Note: Data on conviction offense were available for 100% of cases involving defendants who had been convicted. Detail may not add to total because of rounding. --Less than 0.5%.

Among defendants originally charged with a property offense and later convicted, the percentages whose conviction offense corresponded with their most serious arrest charge were as follows: motor vehicle theft (82%), burglary (69%), forgery (67%), fraud (67%), and larceny/theft (66%) (table 27).

The conviction offense corresponded with the most serious arrest charge for 80% of defendants convicted after being charged with a driving-related offense, 78% of weapons defendants, and 73% of drug trafficking defendants.

For most offenses a smaller percentage of defendants were in each felony conviction category than were in the original distribution by arrest charge (tables 1 and 28). The biggest drop was in the violent felony category, which accounted for about 24% of all defendants by arrest charge, but 15% by conviction charge.

Much of this change can be accounted for by the fact that about 13% of all defendants were originally facing felony assault charges, but just 7% of all convictions were for such an offense. Overall, 16% of convicted defendants were convicted at the misdemeanor level.

A majority of the defendants whose most serious arrest charge was for a driving-related offense (69%), motor vehicle theft (60%), murder (60%), drug trafficking (55%), a weapons offense (52%), burglary (52%), or forgery (51%) were eventually convicted of that same offense (figure 17). This was true for slightly less than half of the defendants originally charged with fraud (47%), larceny/theft (46%), or robbery (43%). Thirty-seven percent of defendants charged with rape and 33% of defendants charged with felony assault were eventually convicted of the same offense.

**Table 28. Felony defendants, by conviction offense, 2002**

| Most serious conviction offense | Felony defendants in the 75 largest counties |              |
|---------------------------------|--|--------------|
|                                 | Number                                       | Percent      |
| All offenses                    | 33,544                                       | 100.0%       |
| All felonies                    | 28,127                                       | 83.8%        |
| <b>Violent offenses</b>         | <b>4,968</b>                                 | <b>14.8%</b> |
| Murder                          | 231  | 0.7          |
| Rape                            | 285  | 0.8          |
| Robbery                         | 1,202  | 3.6          |
| Assault                         | 2,217  | 6.6          |
| Other violent                   | 1,033  | 3.1          |
| <b>Property offenses</b>        | <b>9,522</b>                                 | <b>28.4%</b> |
| Burglary                        | 2,382  | 7.1          |
| Larceny/theft                   | 2,571  | 7.7          |
| Motor vehicle theft             | 1,350  | 4.0          |
| Forgery                         | 1,120  | 3.3          |
| Fraud                           | 884  | 2.6          |
| Other property                  | 1,215  | 3.6          |
| <b>Drug offenses</b>            | <b>10,327</b>                                | <b>30.8%</b> |
| Trafficking                     | 4,662  | 13.9         |
| Other drug                      | 5,665  | 16.9         |
| <b>Public-order offenses</b>    | <b>3,273</b>                                 | <b>9.8%</b>  |
| Weapons                         | 912  | 2.7          |
| Driving-related                 | 1,281  | 3.8          |
| Other public-order              | 1,081  | 3.2          |
| Other felonies                  | 36   | 0.1%         |
| Misdemeanors                    | 5,418  | 16.2%        |

Note: Data on conviction offense were available for 100% of cases involving defendants who had been convicted.

**Conviction probabilities for felony defendants in the 75 largest counties, by most serious arrest charge, 2002**

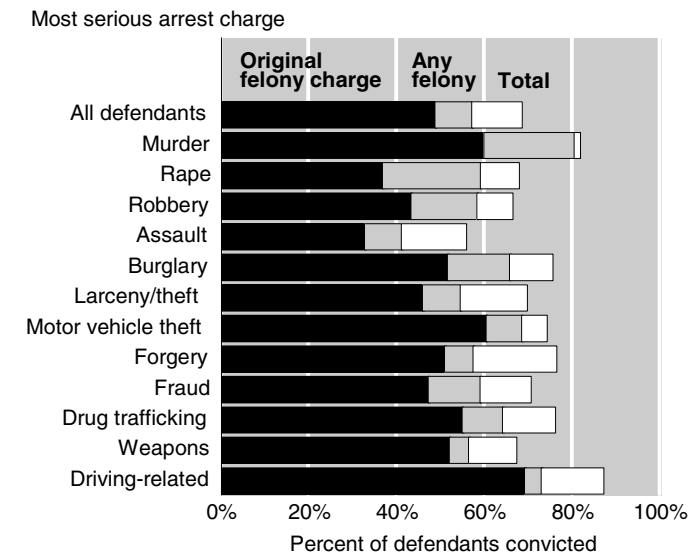


Figure 17

## Case processing statistics

Among the approximately 47,000 cases with a known adjudication date and outcome that occurred within 1 year of arrest, about 30,000 were disposed by a guilty plea (figure 18). About a fourth of pleas occurred within 1 month of arrest and more than half within 3 months of arrest.

The next most common type of adjudication, dismissal of the charges against the defendant, occurred in about 11,400 cases. About one-third (34%) of all dismissals occurred within the first month after arrest and 61% within 3 months.

Trials occurred in about 2,100 cases. About 8% of trials were completed within a month of arrest and 25% within 3 months of arrest.

Guilty pleas accounted for 95% of the estimated 31,772 convictions obtained within 1 year of arrest (figure 19). This included about 25,400 felony pleas and about 4,600 misdemeanor pleas. Twenty-seven percent of the felony pleas occurred within 1 month of arrest, and 55% were obtained within 3 months of arrest. Twenty-eight percent of the misdemeanor pleas were obtained within 1 month of arrest, and 58% within 3 months.

Of the approximately 1,700 trial convictions obtained within 1 year, nearly all were for a felony, with an estimated 181 trials resulting in a misdemeanor conviction. About a third of all trial convictions occurred within 3 months of arrest, and nearly three-fifths within 6 months of arrest.

**Method of adjudication of felony cases filed in May 2002 and disposed within 1 year in the 75 largest counties**

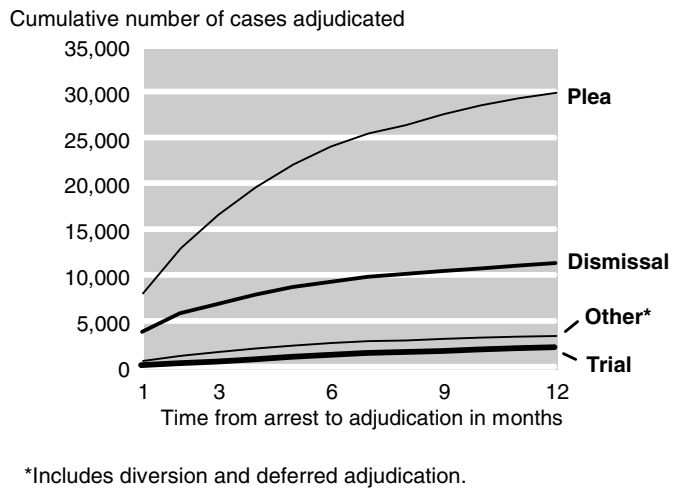


Figure 18

**Method of conviction of felony cases filed in May 2002 and disposed within 1 year in the 75 largest counties**

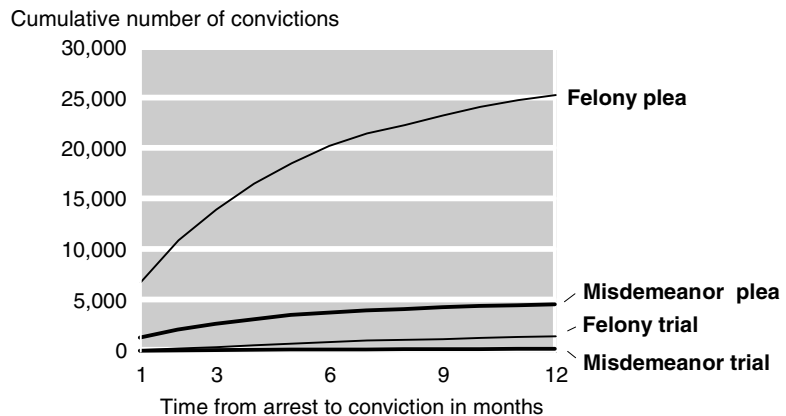


Figure 19

## Sentencing

### Time from conviction to sentencing

About 2 in 3 convicted defendants were sentenced within 1 day of adjudication (table 29). Defendants convicted of a misdemeanor (82%) were more likely to be sentenced this quickly than those convicted of a felony (62%).

Sentencing after a felony conviction occurred within 1 day in 68% of the cases where the conviction was for a drug offense. Sixty percent of the defendants convicted of property and public-order offenses, and 53% of those convicted of a violent offense were sentenced this quickly.

By specific conviction offense, less than half of defendants convicted of rape (42%) or murder (48%) were sentenced within 1 day of conviction. A majority of the defendants convicted of other felonies were sentenced within a day, including 77% of those convicted of drug offenses other than trafficking. Eighty-two percent of defendants convicted of a misdemeanor were sentenced this quickly.

Seventy-six percent of defendants convicted of a felony received their sentence within 30 days, as did 86% of those convicted of a misdemeanor. Ninety percent of defendants convicted of a felony and 92% of those convicted of a misdemeanor were sentenced within 60 days.

**Table 29. Time from conviction to sentencing for convicted defendants, by most serious conviction offense, 2002**

| Most serious conviction offense | Number of defendants | Percent of convicted defendants in the 75 largest counties who were sentenced within — |         |           |            |                 |
|---------------------------------|----------------------|--|---------|-----------|------------|-----------------|
|                                 |                      | Total  | 0-1 day | 2-30 days | 31-60 days | 61 days or more |
| All offenses                    | 31,583               | 100%   | 65%     | 13%       | 13%        | 10%             |
| All felonies                    | 26,567               | 100%   | 62%     | 14%       | 14%        | 10%             |
| Violent offenses                | 4,683                | 100%   | 53%     | 16%       | 19%        | 12%             |
| Murder                          | 209                  | 100  | 48      | 18        | 19         | 14              |
| Rape                            | 257                  | 100  | 42      | 15        | 19         | 25              |
| Robbery                         | 1,117                | 100  | 57      | 16        | 17         | 10              |
| Assault                         | 2,144                | 100  | 54      | 18        | 18         | 10              |
| Other violent                   | 958                  | 100  | 48      | 13        | 23         | 15              |
| Property offenses               | 9,053                | 100%   | 60%     | 17%       | 14%        | 10%             |
| Burglary                        | 2,264                | 100  | 59      | 19        | 15         | 7               |
| Larceny/theft                   | 2,476                | 100  | 66      | 14        | 12         | 8               |
| Motor vehicle theft             | 1,316                | 100  | 60      | 19        | 9          | 12              |
| Forgery                         | 1,046                | 100  | 55      | 20        | 13         | 12              |
| Fraud                           | 818                  | 100  | 58      | 12        | 19         | 11              |
| Other property                  | 1,135                | 100  | 56      | 16        | 16         | 12              |
| Drug offenses                   | 9,681                | 100%   | 68%     | 11%       | 12%        | 10%             |
| Trafficking                     | 4,295                | 100  | 56      | 15        | 16         | 12              |
| Other drug                      | 5,386                | 100  | 77      | 8         | 8          | 8               |
| Public-order offenses           | 3,124                | 100%   | 60%     | 15%       | 14%        | 11%             |
| Weapons                         | 864                  | 100  | 52      | 17        | 17         | 14              |
| Driving-related                 | 1,226                | 100  | 62      | 15        | 13         | 9               |
| Other public-order              | 1,036                | 100  | 65      | 14        | 12         | 10              |
| Misdemeanors                    | 5,016                | 100%   | 82%     | 4%        | 7%         | 8%              |

Note: Data on time from conviction to sentencing were available for 94% of convicted defendants. Total for all felonies includes cases that could not be classified into one of the four major offense categories. Detail may not add to total because of rounding.

## Type and length of sentence

Seventy-two percent of convicted defendants were sentenced to incarceration in a State prison or local jail (table 30). Seventy-five percent of defendants convicted of a felony were sentenced to incarceration, compared to 60% of those convicted of a misdemeanor. About half of incarceration sentences following a felony conviction, 38% of felony sentences overall, were to State prison.

Nearly all convictions for murder (95%) resulted in a prison sentence, as did a majority of robbery (73%), and rape (64%) convictions. Over two-fifths of defendants convicted of burglary (48%) and motor vehicle theft (43%) were sentenced to prison. Nearly

two-fifths of defendants convicted of a driving related offense (39%), assault (38%), or drug trafficking (37%) received a prison sentence. About a third of defendants convicted of forgery (35%), larceny/theft (33%), and weapons offenses (32%) were sentenced to prison.

Nearly all incarceration sentences for misdemeanor convictions, 58% of all misdemeanor sentences, were to jail.

Among defendants who were convicted but not sentenced to incarceration, 96% of those convicted of a felony and 64% of those convicted of a misdemeanor received a probation term. Probation sentences may have included a fine, restitution, community service, treatment, or other conditions.

Overall, 25% of convicted defendants received a sentence to probation without any incarceration. This included 24% of those convicted of a felony and 26% of those convicted of a misdemeanor. About two-fifths of defendants convicted of fraud (37%) or drug offenses other than trafficking (42%) were sentenced to probation without incarceration.

Overall, 3% of convicted defendants were not sentenced to a term of incarceration or probation but received a sentence that included fines, community service, treatment, or other court-ordered conditions. This included 14% of those convicted of a misdemeanor. These conditions are included in an "other" sentence category.

**Table 30. Most severe type of sentence received by convicted defendants, by most serious conviction offense, 2002**

| Most serious conviction offense | Number of defendants | Percent of convicted defendants in the 75 largest counties sentenced to — |               |        |      |                  |           |       |
|---------------------------------|----------------------|---|---------------|--------|------|------------------|-----------|-------|
|                                 |                      | Total   | Incarceration |        |      | Nonincarceration |           |       |
|                                 |                      |   | Total         | Prison | Jail | Total            | Probation | Other |
| All offenses                    | 31,801               | 100%  | 72%           | 32%    | 40%  | 28%              | 25%       | 3%    |
| All felonies                    | 26,758               | 100%  | 75%           | 38%    | 37%  | 25%              | 24%       | 1%    |
| Violent offenses                | 4,718                | 100%  | 85%           | 50%    | 35%  | 15%              | 14%       | --%   |
| Murder                          | 211                  | 100   | 97            | 95     | 2    | 3                | 3         | 0     |
| Rape                            | 261                  | 100   | 89            | 64     | 25   | 11               | 11        | 0     |
| Robbery                         | 1,128                | 100   | 92            | 73     | 19   | 8                | 8         | --    |
| Assault                         | 2,155                | 100   | 85            | 38     | 47   | 15               | 14        | 1     |
| Other violent                   | 963                  | 100   | 74            | 37     | 37   | 26               | 25        | --    |
| Property offenses               | 9,137                | 100%  | 78%           | 37%    | 41%  | 22%              | 21%       | 1%    |
| Burglary                        | 2,284                | 100   | 88            | 48     | 40   | 12               | 12        | --    |
| Larceny/theft                   | 2,494                | 100   | 72            | 33     | 39   | 28               | 26        | 2     |
| Motor vehicle theft             | 1,323                | 100   | 86            | 43     | 44   | 14               | 13        | 1     |
| Forgery                         | 1,053                | 100   | 73            | 35     | 38   | 27               | 26        | 1     |
| Fraud                           | 825                  | 100   | 60            | 16     | 45   | 40               | 37        | 3     |
| Other property                  | 1,158                | 100   | 77            | 34     | 43   | 23               | 22        | 1     |
| Drug offenses                   | 9,718                | 100%  | 66%           | 33%    | 33%  | 34%              | 33%       | 1%    |
| Trafficking                     | 4,304                | 100   | 76            | 37     | 39   | 24               | 23        | 1     |
| Other drug                      | 5,414                | 100   | 57            | 30     | 28   | 43               | 42        | 1     |
| Public-order offenses           | 3,160                | 100%  | 77%           | 38%    | 40%  | 23%              | 21%       | 1%    |
| Weapons                         | 868                  | 100   | 75            | 32     | 43   | 25               | 24        | 1     |
| Driving-related                 | 1,249                | 100   | 84            | 39     | 44   | 16               | 15        | 1     |
| Other public-order              | 1,042                | 100   | 72            | 40     | 32   | 28               | 26        | 2     |
| Misdemeanors                    | 5,043                | 100%  | 60%           | 2%     | 58%  | 40%              | 26%       | 14%   |

Note: Data on type of sentence were available for 95% of convicted defendants. Sentences to incarceration that were wholly suspended are included under probation. Nine percent of prison sentences and 68% of jail sentences included a probation term. Sentences to incarceration or probation may have included a fine, restitution, community service, treatment, or other court-ordered conditions. Other sentences may include fines, community service, restitution, and treatment. Total for all felonies includes cases that could not be classified into one of the four major offense categories. Detail may not add to total because of rounding.  
--Less than 0.5%.

Among persons arrested and charged with a felony, murder defendants (69%) had the highest probability of eventually being convicted and sentenced to prison (figure 20). This was about twice the probability for defendants charged with robbery (38%) or rape (32%). About 3 in 10 defendants originally charged with burglary, motor vehicle theft, or a driving-related offense were eventually convicted and sentenced to prison. An estimated 1 in 4 drug trafficking defendants were convicted and sentenced to prison. Defendants originally charged with fraud (11%) were the least likely to eventually be sentenced to prison.

Defendants originally charged with a driving-related offense (41%) were the most likely to be convicted and receive a jail sentence. About a third of defendants charged with burglary (34%), motor vehicle theft (33%), a weapons offense (32%), or forgery (31%) were convicted and sentenced to jail.

A majority of defendants originally charged with murder (76%), a driving-related offense (69%), burglary (63%), motor vehicle theft (62%), robbery (56%), or drug trafficking (54%) eventually were convicted and sentenced to either prison or jail. This was the case for about half of rape or forgery defendants.

About 2 in 5 defendants originally charged with assault (41%) or fraud (39%) eventually were convicted and sentenced to incarceration.

**Probability of being convicted and sentenced to incarceration for felony defendants in the 75 largest counties, 2002**

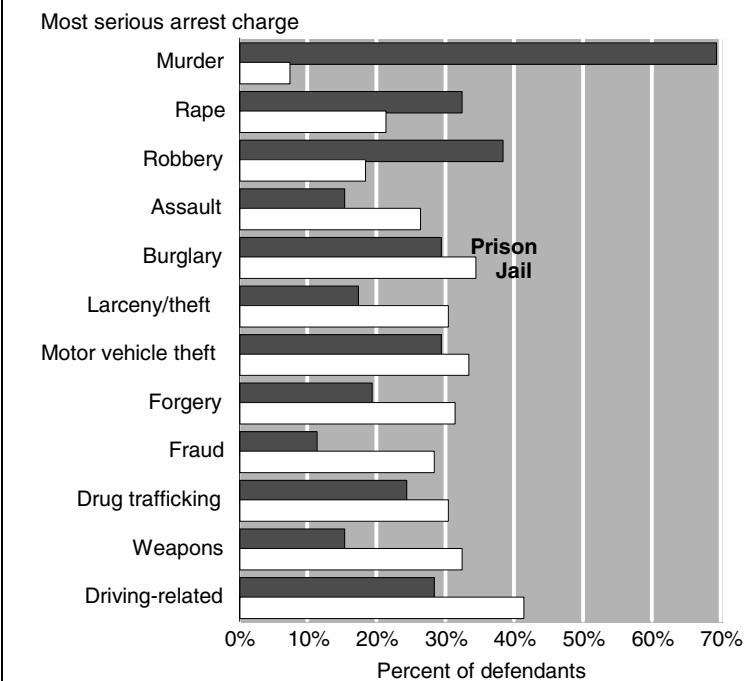


Figure 20

**Median prison sentence received by defendants convicted of a felony in the 75 largest counties, 2002**

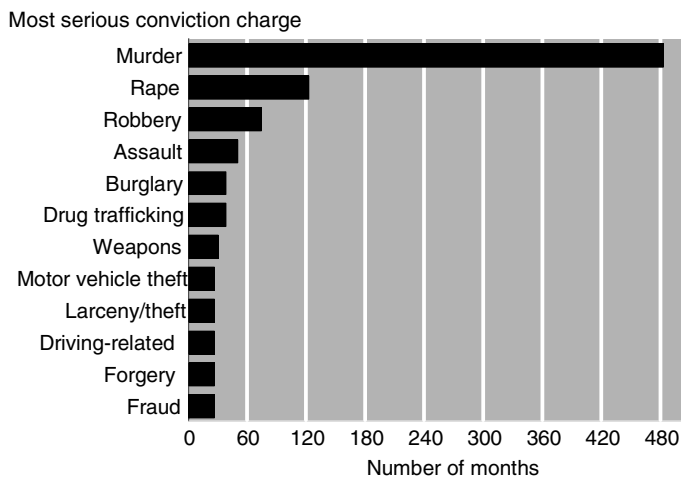


Figure 21

Among defendants convicted of a felony and sentenced to prison, the mean sentence was 58 months and the median was 32 months (table 31). By general conviction offense category, defendants convicted of a violent felony received the longest prison sentences (a mean of 113 months and a median of 60 months), and those convicted of a public-order felony the shortest (a mean of 34 months and a median of 24 months).

By specific conviction offense, defendants convicted of murder received the longest prison terms, a mean of 349 months and a median of 480 months. Next were defendants convicted of rape with a mean prison sentence of 164 months, and a median of 120 months.

Median prison sentences for other felony convictions included 72 months for robbery, 48 months for assault, and 36 months for burglary or drug trafficking (figure 21).

**Table 31. Length of prison sentence received by defendants convicted of a felony, by most serious conviction offense, 2002**

| Most serious felony conviction offense | Felony defendants in the 75 largest counties convicted of a felony and sentenced to prison |                  |        |  |      |       |       |        |           |      |
|--|--|------------------|--------|--|------|-------|-------|--------|-----------|------|
|  | Number of defendants   | Number of months |        | Percent receiving a maximum sentence length in months of — |      |       |       |        |           |      |
|  |  | Mean             | Median | Total  | 1-24 | 25-48 | 49-72 | 73-120 | Over 120* | Life |
| All offenses                           | 10,113   | 58 mo            | 32 mo  | 100%   | 46%  | 25%   | 11%   | 9%     | 8%        | 1%   |
| Violent offenses                       | 2,352  | 113 mo           | 60 mo  | 100%   | 22%  | 20%   | 15%   | 18%    | 19%       | 5%   |
| Murder                                 | 202  | 349              | 480    | 100  | 0    | 1     | 2     | 9      | 49        | 38   |
| Rape                                   | 166  | 164              | 120    | 100  | 7    | 16    | 11    | 29     | 27        | 10   |
| Robbery                                | 821  | 105              | 72     | 100  | 17   | 20    | 14    | 22     | 25        | 1    |
| Assault                                | 812  | 71               | 48     | 100  | 31   | 27    | 17    | 15     | 9         | 1    |
| Other violent                          | 353  | 70               | 48     | 100  | 35   | 18    | 23    | 14     | 10        | 1    |
| Property offenses                      | 3,364  | 42 mo            | 24 mo  | 100%   | 55%  | 23%   | 9%    | 7%     | 5%        | 0%   |
| Burglary                               | 1,089  | 56               | 36     | 100  | 43   | 26    | 9     | 13     | 8         | 0    |
| Larceny/theft                          | 824  | 33               | 24     | 100  | 65   | 23    | 7     | 1      | 5         | 0    |
| Motor vehicle theft                    | 565  | 36               | 24     | 100  | 56   | 23    | 13    | 5      | 3         | 0    |
| Forgery                                | 365  | 47               | 24     | 100  | 56   | 19    | 15    | 5      | 6         | 0    |
| Fraud                                  | 129  | 40               | 24     | 100  | 55   | 20    | 12    | 10     | 3         | 0    |
| Other property                         | 391  | 27               | 18     | 100  | 71   | 20    | 4     | 4      | 1         | 0    |
| Drug offenses                          | 3,196  | 42 mo            | 30 mo  | 100%   | 49%  | 29%   | 12%   | 6%     | 4%        | --%  |
| Trafficking                            | 1,598  | 56               | 36     | 100  | 31   | 37    | 17    | 10     | 6         | 1    |
| Other drug                             | 1,599  | 29               | 18     | 100  | 67   | 21    | 7     | 3      | 2         | 0    |
| Public-order offenses                  | 1,192  | 34 mo            | 24 mo  | 100%   | 58%  | 26%   | 9%    | 5%     | 2%        | 0%   |
| Weapons                                | 281  | 42               | 28     | 100  | 48   | 34    | 8     | 5      | 4         | 0    |
| Driving-related                        | 491  | 36               | 24     | 100  | 53   | 26    | 14    | 5      | 1         | 0    |
| Other public-order                     | 420  | 28               | 23     | 100  | 70   | 21    | 2     | 5      | 2         | 0    |

Note: Data on length of prison sentence were available for 100% of all cases in which a defendant received a prison sentence. Nine percent of prison sentences included a probation term and 11% included a fine. Total for all offenses includes cases that could not be classified into one of the four major offense categories. All prison sentences were rounded to the nearest month. For mean sentence calculations, life sentences and sentences greater than 40 years were assigned a value of 480 months. Detail may not add to total because of rounding.

--Less than 0.5%.

\*Excludes life sentences.

Thirty-eight percent of all murder convictions resulted in a life sentence, compared to 10% of rape convictions and a maximum of 1% of the defendants convicted of any other offense.

In addition to those receiving life sentences, 49% of the defendants convicted of murder were sentenced to more than 10 years in prison. Defendants convicted of rape (27%) or robbery (25%) were the next most likely to receive a prison term this long.

For defendants convicted of a felony and subsequently sentenced to jail, the mean and median jail terms were 6 months (table 32). Misdemeanor convictions resulted in a mean jail term of 5 months and a median of 3 months.

Excluding murder and rape (for which few convictions resulted in a jail sentence), defendants sentenced to jail for robbery received the longest average sentence (a mean of 11 months and a median of 12 months).

An estimated 63% of felony jail sentences were for a period of greater than 3 months. Jail sentences following convictions for violent felonies (74%) were more likely to be for more than 3 months than those for property (63%), drug (59%), or public-order (53%) felonies.

Forty-six percent of jail sentences following misdemeanor convictions were for more than 3 months.

**Table 32. Length of jail sentence received by convicted defendants, by most serious conviction offense, 2002**

| Most serious conviction offense | Number of defendants | Felony defendants in the 75 largest counties sentenced to jail |        |   |           |     |     |     |       |         |
|---------------------------------|----------------------|--|--------|---|-----------|-----|-----|-----|-------|---------|
|                                 |                      | Number of months   |        | Percent receiving a maximum sentence in months of — |           |     |     |     |       |         |
|                                 |                      | Mean   | Median | Total   | 1 or less | 2-3 | 4-6 | 7-9 | 10-12 | Over 12 |
| All offenses                    | 12,646               | 6 mo   | 5 mo   | 100%  | 22%       | 19% | 27% | 9%  | 21%   | 3%      |
| All felonies                    | 9,772                | 6 mo   | 6 mo   | 100%  | 18%       | 19% | 29% | 10% | 21%   | 3%      |
| Violent offenses                | 1,654                | 8 mo   | 6 mo   | 100%  | 13%       | 13% | 29% | 10% | 29%   | 6%      |
| Robbery                         | 208                  | 11   | 12     | 100   | 2         | 11  | 21  | 7   | 40    | 18      |
| Assault                         | 1,019                | 7  | 6      | 100   | 16        | 13  | 31  | 11  | 27    | 3       |
| Other violent                   | 359                  | 7  | 6      | 100   | 14        | 13  | 31  | 8   | 28    | 6       |
| Property offenses               | 3,715                | 6 mo   | 6 mo   | 100%  | 15%       | 21% | 29% | 11% | 20%   | 3%      |
| Burglary                        | 911                  | 7  | 6      | 100   | 12        | 18  | 31  | 11  | 26    | 2       |
| Larceny/theft                   | 974                  | 6  | 5      | 100   | 17        | 25  | 21  | 9   | 23    | 4       |
| Motor vehicle theft             | 575                  | 7  | 6      | 100   | 7         | 22  | 35  | 18  | 15    | 2       |
| Forgery                         | 397                  | 6  | 6      | 100   | 8         | 27  | 38  | 11  | 13    | 3       |
| Fraud                           | 365                  | 5  | 3      | 100   | 37        | 14  | 23  | 10  | 11    | 5       |
| Other property                  | 495                  | 6  | 5      | 100   | 18        | 18  | 33  | 7   | 22    | 2       |
| Drug offenses                   | 3,147                | 6 mo   | 4 mo   | 100%  | 19%       | 21% | 30% | 9%  | 17%   | 3%      |
| Trafficking                     | 1,646                | 7  | 6      | 100   | 15        | 17  | 34  | 8   | 21    | 4       |
| Other drug                      | 1,501                | 5  | 4      | 100   | 24        | 26  | 26  | 11  | 12    | 1       |
| Public-order offenses           | 1,249                | 5 mo   | 4 mo   | 100%  | 29%       | 17% | 22% | 9%  | 20%   | 2%      |
| Weapons                         | 372                  | 5  | 4      | 100   | 23        | 24  | 20  | 12  | 20    | 1       |
| Driving-related                 | 549                  | 5  | 4      | 100   | 36        | 9   | 25  | 7   | 21    | 2       |
| Other public-order              | 327                  | 6  | 4      | 100   | 25        | 21  | 22  | 10  | 19    | 3       |
| Misdemeanors                    | 2,874                | 5 mo   | 3 mo   | 100%  | 36%       | 18% | 20% | 3%  | 20%   | 3%      |

Note: Data on length of jail sentence were available for 99% of all cases in which a defendant received a jail sentence. Table excludes portions of sentences that were suspended. Sixty-eight percent of jail sentences included a probation term and 20% included a fine. Murder and rape have been excluded from the detail because few murder and rape convictions resulted in a jail sentence. The total for violent offenses, however, does include these cases. All jail sentences were rounded to the nearest month. Detail may not add to total because of rounding.  
--Less than 0.5%.

For defendants sentenced to probation without incarceration for a felony, the median sentence length was 36 months, compared to 12 months for a misdemeanor (table 33). Three percent of defendants convicted of a felony were given a probation term of greater than 5 years, including 7% of those sentenced for a violent felony.

Some probation sentences were supplemented by one or more special court-ordered conditions. For example, 16% of the defendants who received a probation sentence were required to perform a specified number of hours of community service work (table 34).

Thirteen percent of defendants sentenced to probation were required to pay restitution, including 32% of those convicted for a property-related felony. Twenty-eight percent of probation sentences included a requirement that the defendant enter a treatment program, including 49% of sentences for drug offenses.

**Table 33. Length of probation sentence received by convicted defendants, by most serious conviction offense, 2002**

| Most serious conviction offense | Felony defendants in the 75 largest counties sentenced to probation |                  |        |       |   |       |       |       |       |         |
|---------------------------------|---|------------------|--------|-------|---|-------|-------|-------|-------|---------|
|                                 | Number of defendants  | Number of months |        | Total | Percent receiving a sentence in months of — |       |       |       |       |         |
|                                 |   | Mean             | Median |       | 1-12  | 13-24 | 25-36 | 37-48 | 49-60 | Over 60 |
| All offenses                    | 7,755   | 32 mo            | 36 mo  | 100%  | 20%   | 24%   | 39%   | 3%    | 11%   | 3%      |
| All felonies                    | 6,483   | 35 mo            | 36 mo  | 100%  | 15%   | 25%   | 42%   | 3%    | 13%   | 3%      |
| Violent offenses                | 663   | 40               | 36     | 100   | 13  | 25    | 29    | 3     | 23    | 7       |
| Property offenses               | 1,909   | 35               | 36     | 100   | 15  | 29    | 32    | 5     | 15    | 3       |
| Drug offenses                   | 3,245   | 34               | 36     | 100   | 12  | 21    | 54    | 3     | 9     | 2       |
| Public-order offenses           | 661   | 33               | 24     | 100   | 26  | 31    | 24    | 0     | 14    | 6       |
| Misdemeanors                    | 1,272   | 20 mo            | 12 mo  | 100%  | 50%   | 20%   | 27%   | 1%    | 2%    | 0%      |

Note: Data on length of probation sentence were available for 99% of all cases in which the most severe type of sentence a defendant received was probation. Twenty-four percent of those sentenced to probation also received a fine. Total for felonies includes cases that could not be classified into one of the four felony offense categories. All probation sentences were rounded to the nearest month.

Detail may not add to total because of rounding.

--Less than 0.5%.

**Table 34. Conditions of probation sentence received most often by convicted defendants, by most serious conviction offense, 2002**

| Most serious conviction offense | Number of defendants | Felony defendants in the 75 largest counties sentenced to probation |             |           |
|---------------------------------|----------------------|---|-------------|-----------|
|                                 |                      | Percent whose sentence to probation included:                       |             |           |
|                                 |                      | Community service   | Restitution | Treatment |
| All offenses                    | 7,754                | 16%   | 13%         | 28%       |
| All felonies                    | 6,483                | 16%   | 13%         | 30%       |
| Violent offenses                | 662                  | 22  | 15          | 22        |
| Property offenses               | 1,909                | 19  | 32          | 9         |
| Drug offenses                   | 3,245                | 14  | 2           | 49        |
| Public-order offenses           | 662                  | 11  | 7           | 8         |
| Misdemeanors                    | 1,271                | 14%   | 16%         | 15%       |

Note: Total for felonies includes cases that could not be classified into one of the four felony offense categories. A defendant may have received more than one type of probation condition. Not all defendants sentenced to probation received probation conditions. Detail may not add to total because of rounding.

--Less than 0.5%.

### Prior record and felony sentencing

For defendants convicted of a felony on their current charge, the probability of receiving a sentence to incarceration was highest if they had multiple prior felony convictions (85%) (table 35). Seventy-five percent of defendants with just one prior felony conviction and 70% of those with only prior misdemeanor convictions were also sentenced to incarceration following a felony conviction in the current case.

Overall, defendants with no prior convictions of any type (65%) were the least likely to receive a sentence to incarceration for a felony conviction, although 81% of them received such a sentence when the conviction was for a violent felony.

Defendants with no prior felony convictions and whose current conviction was for a drug offense were the least likely among defendants convicted of a felony to be sentenced to incarceration.

Fifty-eight percent of the defendants with more than one prior felony conviction were sentenced to prison for a new felony conviction. This included 75% of those whose current conviction was for a violent felony.

Forty-one percent of the defendants with a single prior felony conviction were sentenced to prison following a felony conviction in the current case, including a majority of those convicted of a violent felony (56%).

Overall, nearly a fourth of defendants without a prior felony conviction received a prison sentence for a felony conviction in the current case. However, about two-fifths of such defendants received a prison sentence when the current conviction was for a violent felony.

A majority of property (58%) and public-order (51%) defendants with a prior conviction record consisting solely of misdemeanors received a jail sentence.

About 2 in 5 drug defendants with a prior conviction record consisting solely of misdemeanors (45%) or with no prior convictions of any kind (40%) received a probation sentence.

**Table 35. Most severe type of sentence received by defendants convicted of a felony, by prior conviction record, 2002**

| Prior conviction record and most serious current felony conviction | Number of defendants | Percent of defendants in the 75 largest counties convicted of a felony and sentenced to — |               |        |      |                  |           |       |
|--|----------------------|---|---------------|--------|------|------------------|-----------|-------|
|  |                      | Total   | Incarceration |        |      | Nonincarceration |           |       |
|  |                      |   | Total         | Prison | Jail | Total            | Probation | Other |
| <b>More than 1 prior felony conviction</b>                         |                      |   |               |        |      |                  |           |       |
| All offenses   | 8,848                | 100%  | 85%           | 58%    | 27%  | 15%              | 15%       | --%   |
| Violent offenses   | 1,112                | 100   | 93            | 75     | 18   | 7                | 7         | 1     |
| Property offenses  | 3,087                | 100   | 90            | 59     | 31   | 10               | 10        | --    |
| Drug offenses  | 3,536                | 100   | 78            | 54     | 24   | 22               | 22        | --    |
| Public-order offenses  | 1,109                | 100   | 85            | 53     | 32   | 15               | 15        | --    |
| <b>1 prior felony conviction</b>                                   |                      |   |               |        |      |                  |           |       |
| All offenses   | 4,302                | 100%  | 75%           | 41%    | 34%  | 25%              | 24%       | 1%    |
| Violent offenses   | 637                  | 100   | 86            | 56     | 30   | 14               | 14        | 0     |
| Property offenses  | 1,445                | 100   | 82            | 41     | 41   | 18               | 17        | --    |
| Drug offenses  | 1,653                | 100   | 63            | 32     | 31   | 37               | 36        | 1     |
| Public-order offenses  | 559                  | 100   | 83            | 50     | 33   | 17               | 15        | 2     |
| <b>Prior misdemeanor convictions only</b>                          |                      |   |               |        |      |                  |           |       |
| All offenses   | 4,505                | 100%  | 70%           | 23%    | 47%  | 30%              | 29%       | 1%    |
| Violent offenses   | 767                  | 100   | 84            | 41     | 44   | 16               | 15        | 1     |
| Property offenses  | 1,533                | 100   | 77            | 19     | 58   | 23               | 21        | 1     |
| Drug offenses  | 1,543                | 100   | 54            | 18     | 36   | 46               | 45        | 1     |
| Public-order offenses  | 658                  | 100   | 75            | 24     | 51   | 25               | 25        | 0     |
| <b>No prior convictions</b>  |                      |   |               |        |      |                  |           |       |
| All offenses   | 8,342                | 100%  | 65%           | 22%    | 43%  | 35%              | 33%       | 2%    |
| Violent offenses   | 2,033                | 100   | 81            | 39     | 42   | 19               | 19        | --    |
| Property offenses  | 2,796                | 100   | 61            | 18     | 43   | 39               | 36        | 3     |
| Drug offenses  | 2,772                | 100   | 58            | 16     | 42   | 42               | 40        | 2     |
| Public-order offenses  | 730                  | 100   | 64            | 19     | 45   | 36               | 32        | 4     |

Note: Data on prior conviction record and type of sentence were available for 92% of all convicted defendants. Sentences to incarceration may have also included a probation term. Sentences to incarceration or probation may have included a fine, restitution, community service, treatment, or other court-ordered conditions. Other sentences may include fines, community service, restitution, and treatment. Detail may not add to total because of rounding.  
--Less than 0.5%.

Defendants convicted of a violent felony were much more likely to be sentenced to prison than jail or probation if they had at least one prior felony conviction (figure 22). Incarceration was also likely for those without prior felony convictions, with jail and prison having similar probabilities.

Among defendants convicted of a nonviolent felony, a prison sentence was only slightly more likely than a jail sentence for those with one prior felony conviction, but much more likely if they had multiple prior felony convictions. For those with a prior conviction record that consisted of only misdemeanors, jail was the most probable sentence. Probation and jail sentences had similar probabilities of being used if the defendant had no prior convictions of any type.

**Type of sentence received for a felony conviction in the 75 largest counties, by prior conviction record, 2002**

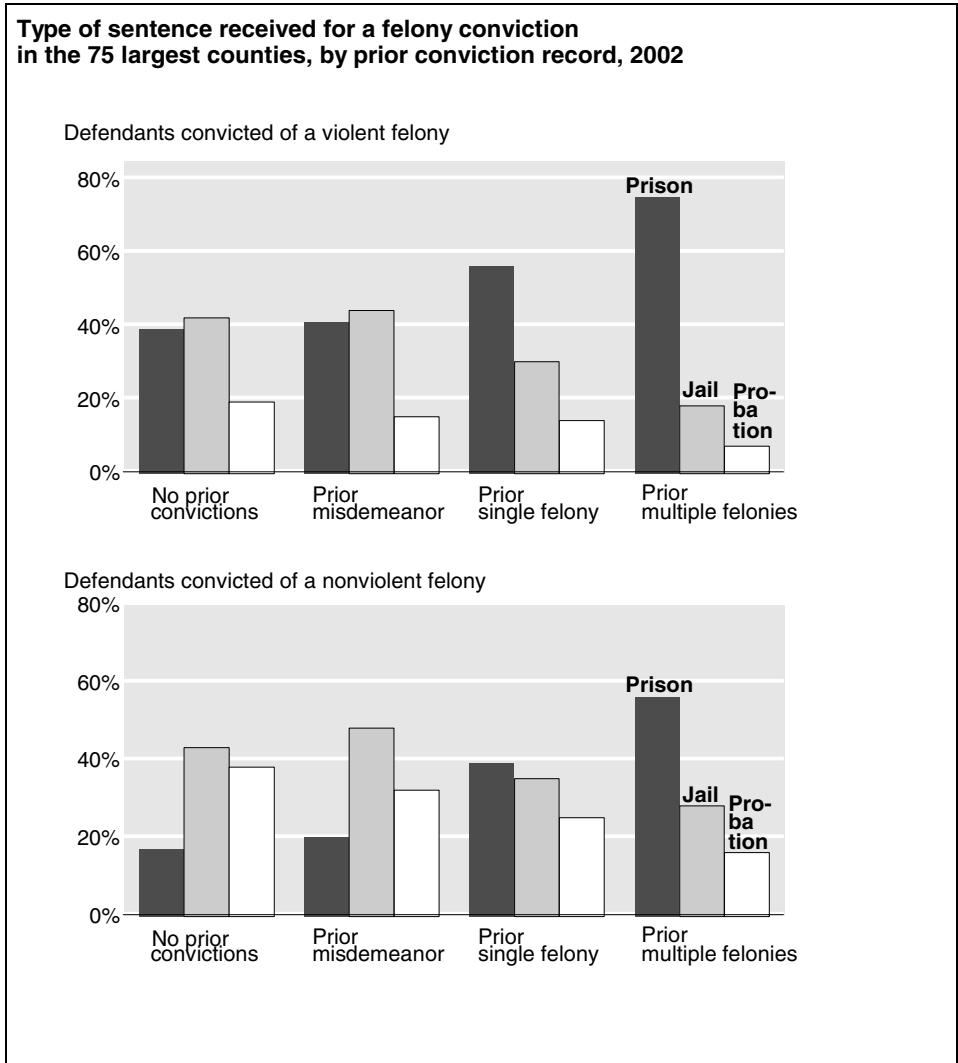


Figure 22

## Methodology

The SCPS sample was designed and selected by U.S. Census Bureau staff. It is a 2-stage stratified sample, with 40 of the 75 most populous counties selected at stage one and a systematic sample of State court felony filings (defendants) within each county selected at stage two. The 40 counties were divided into 4 first-stage strata based on court filing information. Ten counties were included in the sample with certainty because of their large number of court filings. The remaining counties were allocated to the three noncertainty strata based on the variance of felony court dispositions.

### SCPS first-stage design

| Stratum | Number of counties |          | Weight |
|---------|--------------------|----------|--------|
|         | Sample             | Universe |        |
| One     | 10                 | 10       | 1.00   |
| Two     | 10                 | 18       | 1.80   |
| Three   | 10                 | 22       | 2.20   |
| Four    | 10                 | 25       | 2.50   |

The second-stage sampling (filings) was designed to represent all defendants who had felony cases filed with the court during the month of May 2002. The participating jurisdictions provided data for every felony case filed on selected days during that month. Depending on the first-stage stratum in which it had been placed, each jurisdiction provided filings data for 5, 10, or 20 selected business days in May 2002. Data from jurisdictions that were not required to provide a full month of filings were weighted to represent the full month (see Appendix table A).

### SCPS second-stage design

| Stratum | Number of days      |  | Weight |
|---------|---------------------|--|--------|
|         | of filings provided |  |        |
| One     | 5                   |  | 4.0    |
| Two     | 10                  |  | 2.0    |
| Three   | 10                  |  | 2.0    |
| Four    | 20                  |  | 1.0    |

The 2002 SCPS collected data for 15,358 felony cases filed during May 2002 in 40 large counties. These cases were part of a sample that was representative of the estimated 56,146 felony cases filed in the Nation's 75 most populous counties during that month. Murder cases were tracked for up to 2 years and all other cases for up to 1 year. Ninety-three cases

(weighted) were omitted from analysis because they could not be classified into one of the four major crime categories (violent, property, drug, public order).

This report is based on data collected from the following counties: Alabama (Jefferson); Arizona (Maricopa, Pima); California (Alameda, Contra Costa, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Mateo, Santa Clara); Florida (Broward, Miami-Dade, Palm Beach, Pinellas); Georgia (Fulton); Hawaii (Honolulu); Illinois (Cook); Indiana (Marion); Maryland (Baltimore, Montgomery); Michigan (Macomb, Wayne); New Jersey (Essex); New York (Bronx, Kings, Nassau, Westchester); Ohio (Franklin); Pennsylvania (Montgomery, Philadelphia); Tennessee (Shelby); Texas (Dallas, El Paso, Harris, Tarrant, Travis); Utah (Salt Lake City); Virginia (Fairfax).

Because the data came from a sample, a sampling error is associated with each reported number. In general, if the difference between two numbers is greater than twice the standard error for that difference, we can say that we are 95% confident of a real difference and that the apparent difference is not simply the result of using a sample rather than the entire population.

### Offense categories

Felony offenses were classified into 16 categories for this report. These were further classified into the four major crime categories of violent, property, drug, and public-order. The following listings are a representative summary of the crimes in each category; however, these lists are not meant to be exhaustive. All offenses, except for murder, include attempts and conspiracies to commit.

#### Violent offenses

**Murder** — Includes homicide, nonnegligent manslaughter, and voluntary homicide. Excludes attempted murder (classified as felony assault), negligent homicide, involuntary homicide, or vehicular manslaughter, which are classified as *other violent offenses*.

**Rape** — Includes forcible intercourse, sodomy, or penetration with a foreign object. Does not include statutory rape or nonforcible acts with a minor or someone unable to give legal consent, nonviolent sexual offenses, or commercialized sex offenses.

**Robbery** — Includes unlawful taking of anything of value by force or threat of force. Includes armed, unarmed, and aggravated robbery, car-jacking, armed burglary, and armed mugging.

**Assault** — Includes aggravated assault, aggravated battery, attempted murder, assault with a deadly weapon, felony assault or battery on a law enforcement officer, and other felony assaults. Does not include extortion, coercion, or intimidation.

**Other violent offenses** — Includes vehicular manslaughter, involuntary manslaughter, negligent or reckless homicide, nonviolent or non-forcible sexual assault, kidnapping, unlawful imprisonment, child or spouse abuse, cruelty to a child, reckless endangerment, hit-and-run with bodily injury, intimidation, and extortion.

#### Property offenses

**Burglary** — Includes any type of entry into a residence, industry, or business with or without the use of force with the intent to commit a felony or theft. Does not include possession of burglary tools, trespassing, or unlawful entry for which the intent is not known.

**Larceny/theft** — Includes grand theft, grand larceny, and any other felony theft, including burglary from an automobile, theft of rental property, and mail theft. Does not include motor vehicle theft, receiving or buying stolen property, fraud, forgery, or deceit.

**Motor vehicle theft** — Includes auto theft, conversion of an automobile, receiving and transferring an automobile, unauthorized use of a vehicle, possession of a stolen vehicle, and larceny or taking of an automobile.

**Forgery** — Includes forging of a driver's license, official seals, notes, money orders, credit or access cards or names of such cards or any other documents with fraudulent intent, uttering a forged instrument, counterfeiting, and forgery.

**Fraud** — Includes possession and passing of worthless checks or money orders, possession of false documents or identification, embezzlement, obtaining money by false pretenses, credit card fraud, welfare fraud, Medicare fraud, insurance claim fraud, fraud, swindling, stealing a thing of value by deceit, and larceny by check.

**Other property offenses** — Includes receiving or buying stolen property, arson, reckless burning, damage to property, criminal mischief, vandalism, criminal trespassing, possession of burglary tools, and unlawful entry for which the interest is unknown.

### **Drug offenses**

**Drug trafficking** — Includes trafficking, sales, distribution, possession with intent to distribute or sell, manufacturing, and smuggling of controlled substances. Does not include possession of controlled substances.

**Other drug offenses** — Includes possession of controlled substances, prescription violations, possession of drug paraphernalia, and other drug law violations.

### **Public-order offenses**

**Weapons** — Includes the unlawful sale, distribution, manufacture, alteration, transportation, possession, or use of a deadly weapon or accessory.

**Driving-related** — Includes driving under the influence of drugs or alcohol, driving with a suspended or revoked license, and any other felony in the motor vehicle code.

**Other public-order offenses** — Includes flight/escape, parole or probation violations, prison contraband, habitual offender, obstruction of justice, rioting, libel, slander, treason, perjury, prostitution, pandering, bribery, and tax law violations.

### **Terms related to pretrial release**

**Released defendant** — Includes any defendant who was released from custody prior to the disposition of his or her case by the court. Includes defendants who were detained for some period of time before being released and defendants who were returned to custody after being released because of a violation of the conditions of pretrial release. The terms "on pretrial release" and "released pending disposition" are both used in this report to refer to all released defendants.

**Detained defendant** — Includes any defendant who remained in custody from the time of arrest until the disposition of his or her case by the court. This report also refers to detained defendants as "not released."

**Failure to appear** — Occurs when a court issues a bench warrant for a defendant's arrest because he or she missed a scheduled court appearance.

### **Types of financial release**

**Surety bond** — A bail bond company signs a promissory note to the court for the full bail amount and charges the defendant a fee for the service (usually 10% of the full bail amount). If the defendant fails to appear, the bond company is liable to the court for the full bail amount. Frequently the bond company requires collateral from the defendant in addition to the fee.

**Deposit bond** — The defendant deposits a percentage (usually 10%) of the full bail amount with the court. The percentage of the bail is returned after the disposition of the case, but the court often retains a small portion for administrative costs. If the defendant fails to appear in court, he or she is liable to the court for the full bail amount.

**Full cash bond** — The defendant posts the full bail amount in cash with the court. If the defendant makes all court appearances, the cash is returned. If the defendant fails to appear in court, the bond is forfeited.

**Property bond** — Involves an agreement made by a defendant as a condition of pretrial release requiring that property valued at the full bail amount be posted as an assurance of his or her appearance in court. If the defendant fails to appear in court, the property is forfeited. Also known as "collateral bond."

### **Types of nonfinancial release**

**Release on recognizance (ROR)** — The court releases the defendant on a signed agreement that he or she will appear in court as required. In this report, the ROR category includes citation releases in which arrestees are released pending their first court appearance on a written order issued by law enforcement or jail personnel.

**Unsecured bond** — The defendant pays no money to the court but is liable for the full amount of bail should he or she fail to appear in court.

**Conditional release** — Defendants are released under specified conditions. Monitoring or supervision, if required, is usually done by a pretrial services agency. In some cases, such as those involving a third-party custodian or drug monitoring and treatment, another agency may be involved in the supervision of the defendant. Conditional release sometimes includes an unsecured bond.

### **Other type of release**

**Emergency release** — Defendants are released in response to a court order placing limits on a jail's population.

## Appendix

**Appendix table A. Population, sampling weights, and number of cases, by SCPS jurisdiction, 2002**

| County (State)      | Population | Sampling weights |        |       | Number of cases |          |
|---------------------|------------|------------------|--------|-------|-----------------|----------|
|                     |            | Filings          | County | Total | Unweighted      | Weighted |
| Total               |            |                  |        |       | 15,358          | 56,146   |
| Jefferson (AL)      | 659,400    | 2                | 2.20   | 4.40  | 207             | 911      |
| Maricopa (AZ)       | 3,293,600  | 4                | 1.00   | 4.00  | 451             | 1,804    |
| Pima (AZ)           | 877,500    | 1                | 2.50   | 2.50  | 512             | 1,280    |
| Alameda (CA)        | 1,463,900  | 2                | 2.20   | 4.40  | 335             | 1,474    |
| Contra Costa (CA)   | 988,600    | 1                | 2.50   | 2.50  | 248             | 620      |
| Los Angeles (CA)    | 9,763,800  | 4                | 1.00   | 4.00  | 1,015           | 4,060    |
| Orange (CA)         | 2,927,900  | 2                | 1.80   | 3.60  | 568             | 2,045    |
| Riverside (CA)      | 1,694,600  | 2                | 1.80   | 3.60  | 598             | 2,153    |
| San Bernardino (CA) | 1,808,900  | 2                | 1.80   | 3.60  | 516             | 1,858    |
| San Diego (CA)      | 2,896,100  | 4                | 1.00   | 4.00  | 325             | 1,300    |
| San Mateo (CA)      | 701,300    | 1                | 2.50   | 2.50  | 172             | 430      |
| Santa Clara (CA)    | 1,674,600  | 2                | 1.80   | 3.60  | 359             | 1,292    |
| Broward (FL)        | 1,704,100  | 4                | 1.00   | 4.00  | 203             | 812      |
| Miami-Dade (FL)     | 2,314,200  | 4                | 1.00   | 4.00  | 599             | 2,396    |
| Palm Beach (FL)     | 1,187,500  | 2                | 1.80   | 3.60  | 326             | 1,174    |
| Pinellas (FL)       | 924,800    | 2                | 1.80   | 3.60  | 412             | 1,483    |
| Fulton (GA)         | 817,500    | 4                | 1.00   | 4.00  | 169             | 676      |
| Honolulu (HI)       | 886,200    | 1                | 2.50   | 2.50  | 153             | 383      |
| Cook (IL)           | 5,364,200  | 4                | 1.00   | 4.00  | 866             | 3,464    |
| Marion (IN)         | 862,500    | 2                | 1.80   | 3.60  | 496             | 1,786    |
| Baltimore (MD)      | 768,600    | 1                | 2.50   | 2.50  | 306             | 765      |
| Montgomery (MD)     | 906,000    | 1                | 2.50   | 2.50  | 311             | 778      |
| Macomb (MI)         | 808,000    | 1                | 2.50   | 2.50  | 333             | 833      |
| Wayne (MI)          | 2,040,200  | 4                | 1.00   | 4.00  | 273             | 1,092    |
| Essex (NJ)          | 796,400    | 2                | 1.80   | 3.60  | 509             | 1,832    |
| Bronx (NY)          | 1,358,900  | 2                | 2.20   | 4.40  | 507             | 2,231    |
| Kings (NY)          | 2,484,800  | 2                | 2.20   | 4.40  | 301             | 1,324    |
| Nassau (NY)         | 1,339,500  | 1                | 2.50   | 2.50  | 274             | 685      |
| Westchester (NY)    | 937,900    | 1                | 2.50   | 2.50  | 297             | 743      |
| Franklin (OH)       | 1,082,200  | 2                | 2.20   | 4.40  | 251             | 1,104    |
| Montgomery (PA)     | 764,500    | 2                | 2.20   | 4.40  | 90              | 396      |
| Philadelphia (PA)   | 1,486,700  | 2                | 1.80   | 3.60  | 943             | 3,395    |
| Shelby (TN)         | 901,700    | 2                | 1.80   | 3.60  | 320             | 1,152    |
| Dallas (TX)         | 2,272,700  | 4                | 1.00   | 4.00  | 210             | 840      |
| El Paso (TX)        | 693,600    | 1                | 2.50   | 2.50  | 318             | 795      |
| Harris (TX)         | 3,539,600  | 4                | 1.00   | 4.00  | 480             | 1,920    |
| Tarrant (TX)        | 1,525,200  | 2                | 2.20   | 4.40  | 442             | 1,945    |
| Travis (TX)         | 845,600    | 2                | 2.20   | 4.40  | 228             | 1,003    |
| Salt Lake (UT)      | 917,400    | 2                | 2.20   | 4.40  | 221             | 972      |
| Fairfax (VA)        | 992,400    | 2                | 2.20   | 4.40  | 214             | 942      |

Note: In some of the 40 counties included in the 2002 SCPS study, prosecutors did not screen out any felony arrests before filing charges. In these counties, the SCPS sample cases are representative of all felony cases received by prosecutors and any cases subsequently screened out by the prosecutor are included in the SCPS dismissal category. In other counties, all felony arrests were reviewed by prosecutors before the decision to file felony charges was made. In these jurisdictions, the SCPS sample cases do not include those in which a person was arrested for a felony but felony charges were not filed. Weights are rounded to the second decimal place. Populations are Census Bureau figures for July 1, 2002.

**Appendix table B. Most serious arrest charge of felony defendants, by SCPS jurisdiction, 2002**

| County (State)      | Percent of felony defendants<br>within categories of most serious arrest charge |                  |                   |               |                       |
|---------------------|---|------------------|-------------------|---------------|-----------------------|
|                     | Total   | Violent offenses | Property offenses | Drug offenses | Public-order offenses |
| Total               | 100%  | 25%              | 30%               | 35%           | 10%                   |
| Jefferson (AL)      | 100%  | 15%              | 39%               | 36%           | 10%                   |
| Maricopa (AZ)       | 100   | 19               | 32                | 41            | 8                     |
| Pima (AZ)           | 100   | 26               | 23                | 38            | 12                    |
| Alameda (CA)        | 100   | 13               | 42                | 41            | 4                     |
| Contra Costa (CA)   | 100   | 21               | 33                | 38            | 9                     |
| Los Angeles (CA)    | 100   | 24               | 32                | 35            | 9                     |
| Orange (CA)         | 100   | 16               | 24                | 55            | 5                     |
| Riverside (CA)      | 100   | 21               | 27                | 41            | 10                    |
| San Bernardino (CA) | 100%  | 24%              | 34%               | 30%           | 12%                   |
| San Diego (CA)      | 100   | 17               | 34                | 40            | 9                     |
| San Mateo (CA)      | 100   | 16               | 35                | 40            | 9                     |
| Santa Clara (CA)    | 100   | 24               | 22                | 48            | 6                     |
| Broward (FL)        | 100   | 25               | 26                | 42            | 7                     |
| Miami-Dade (FL)     | 100   | 27               | 34                | 29            | 10                    |
| Palm Beach (FL)     | 100   | 30               | 36                | 22            | 11                    |
| Pinellas (FL)       | 100   | 31               | 31                | 25            | 13                    |
| Fulton (GA)         | 100%  | 36%              | 26%               | 34%           | 4%                    |
| Honolulu (HI)       | 100   | 24               | 46                | 29            | 1                     |
| Cook (IL)           | 100   | 11               | 22                | 57            | 10                    |
| Marion (IN)         | 100   | 27               | 33                | 28            | 12                    |
| Baltimore (MD)      | 100   | 35               | 42                | 20            | 3                     |
| Montgomery (MD)     | 100   | 27               | 48                | 25            | 1                     |
| Macomb (MI)         | 100   | 23               | 30                | 31            | 17                    |
| Wayne (MI)          | 100   | 19               | 34                | 29            | 19                    |
| Essex (NJ)          | 100%  | 28%              | 20%               | 42%           | 10%                   |
| Bronx (NY)          | 100   | 30               | 21                | 42            | 8                     |
| Kings (NY)          | 100   | 40               | 21                | 28            | 11                    |
| Nassau (NY)         | 100   | 22               | 33                | 22            | 23                    |
| Westchester (NY)    | 100   | 25               | 40                | 21            | 14                    |
| Franklin (OH)       | 100   | 24               | 36                | 30            | 10                    |
| Montgomery (PA)     | 100   | 29               | 34                | 26            | 11                    |
| Philadelphia (PA)   | 100   | 40               | 25                | 28            | 6                     |
| Shelby (TN)         | 100%  | 20%              | 44%               | 28%           | 9%                    |
| Dallas (TX)         | 100   | 31               | 36                | 22            | 10                    |
| El Paso (TX)        | 100   | 39               | 16                | 38            | 7                     |
| Harris (TX)         | 100   | 21               | 22                | 41            | 15                    |
| Tarrant (TX)        | 100   | 23               | 34                | 32            | 10                    |
| Travis (TX)         | 100   | 17               | 25                | 48            | 11                    |
| Salt Lake (UT)      | 100   | 23               | 38                | 32            | 7                     |
| Fairfax (VA)        | 100   | 17               | 52                | 19            | 12                    |

Note: Detail may not add to 100% because of rounding.

**Appendix table C. Gender and age of felony defendants,  
by SCPS jurisdiction, 2002**

| County (State)      | Percent of felony defendants |      |        |               |          |       |       |             |
|---------------------|------------------------------|------|--------|---------------|----------|-------|-------|-------------|
|                     | Gender                       |      |        | Age at arrest |          |       |       |             |
|                     | Total                        | Male | Female | Total         | Under 21 | 21-29 | 30-39 | 40 or older |
| Total               | 100%                         | 82%  | 18%    | 100%          | 18%      | 33%   | 28%   | 21%         |
| Jefferson (AL)      | 100%                         | 81%  | 19%    | 100%          | 13%      | 37%   | 25%   | 25%         |
| Maricopa (AZ)       | 100                          | 81   | 19     | 100           | 19       | 36    | 28    | 17          |
| Pima (AZ)           | 100                          | 83   | 17     | 100           | 19       | 33    | 28    | 20          |
| Alameda (CA)        | 100                          | 73   | 27     | 100           | 16       | 27    | 30    | 27          |
| Contra Costa (CA)   | 100                          | 81   | 19     | 100           | 15       | 31    | 35    | 20          |
| Los Angeles (CA)    | 100                          | 82   | 18     | 100           | 15       | 35    | 28    | 22          |
| Orange (CA)         | 100                          | 84   | 16     | 100           | 18       | 35    | 33    | 14          |
| Riverside (CA)      | 100                          | 80   | 20     | 100           | 12       | 38    | 30    | 20          |
| San Bernardino (CA) | 100%                         | 81%  | 19%    | 100%          | 14%      | 31%   | 34%   | 21%         |
| San Diego (CA)      | 100                          | 79   | 21     | 100           | 12       | 35    | 30    | 22          |
| San Mateo (CA)      | 100                          | 82   | 18     | 100           | 17       | 27    | 30    | 27          |
| Santa Clara (CA)    | 100                          | 84   | 16     | 100           | 18       | 42    | 22    | 18          |
| Broward (FL)        | 100                          | 82   | 18     | 100           | 21       | 33    | 23    | 23          |
| Miami-Dade (FL)     | 100                          | 79   | 21     | 100           | 19       | 27    | 30    | 24          |
| Palm Beach (FL)     | 100                          | 82   | 18     | 100           | 18       | 33    | 28    | 21          |
| Pinellas (FL)       | 100                          | 79   | 21     | 100           | 15       | 29    | 29    | 27          |
| Fulton (GA)         | 100%                         | 86%  | 14%    | 100%          | 19%      | 36%   | 21%   | 25%         |
| Honolulu (HI)       | 100                          | 78   | 22     | 100           | 6        | 31    | 29    | 34          |
| Cook (IL)           | 100                          | 83   | 17     | 100           | 19       | 30    | 25    | 25          |
| Marion (IN)         | 100                          | 83   | 17     | 100           | 15       | 35    | 30    | 20          |
| Baltimore (MD)      | 100                          | 80   | 20     | 100           | 20       | 29    | 29    | 22          |
| Montgomery (MD)     | 100                          | 86   | 14     | 100           | 26       | 32    | 23    | 19          |
| Macomb (MI)         | 100                          | 82   | 18     | 100           | 16       | 27    | 31    | 26          |
| Wayne (MI)          | 100                          | 84   | 16     | 100           | 18       | 32    | 24    | 26          |
| Essex (NJ)          | 100%                         | 84%  | 16%    | 100%          | 20%      | 36%   | 27%   | 18%         |
| Bronx (NY)          | 100                          | 85   | 15     | 100           | 23       | 32    | 27    | 17          |
| Kings (NY)          | 100                          | 90   | 10     | 100           | 29       | 35    | 22    | 15          |
| Nassau (NY)         | 100                          | 85   | 15     | 100           | 20       | 28    | 34    | 18          |
| Westchester (NY)    | 100                          | 82   | 18     | 100           | 25       | 29    | 27    | 19          |
| Franklin (OH)       | 100                          | 84   | 16     | 100           | 17       | 32    | 32    | 19          |
| Montgomery (PA)     | 100                          | 80   | 20     | 100           | 21       | 37    | 27    | 16          |
| Philadelphia (PA)   | 100                          | 83   | 17     | 100           | 23       | 34    | 22    | 21          |
| Shelby (TN)         | 100%                         | 87%  | 13%    | 100%          | 19%      | 40%   | 23%   | 18%         |
| Dallas (TX)         | 100                          | 81   | 19     | 100           | 19       | 28    | 34    | 20          |
| El Paso (TX)        | 100                          | 82   | 18     | 100           | 25       | 34    | 22    | 19          |
| Harris (TX)         | 100                          | 81   | 19     | 100           | 18       | 32    | 27    | 23          |
| Tarrant (TX)        | 100                          | 75   | 25     | 100           | 14       | 33    | 30    | 24          |
| Travis (TX)         | 100                          | 78   | 22     | 100           | 20       | 32    | 28    | 20          |
| Salt Lake (UT)      | 100                          | 80   | 20     | 100           | 15       | 33    | 26    | 26          |
| Fairfax (VA)        | 100                          | 85   | 15     | 100           | 20       | 27    | 30    | 23          |

Note: Detail may not add to 100% because of rounding.

**Appendix table D. Race and Hispanic/Latino origin,  
by SCPS jurisdiction, 2002**

| County (State)      | Percent of felony defendants |                            |                            |                            |                                    |
|---------------------|------------------------------|----------------------------|----------------------------|----------------------------|------------------------------------|
|                     | Total                        | Black,<br>non-<br>Hispanic | White,<br>non-<br>Hispanic | Other,<br>non-<br>Hispanic | Hispanic<br>or Latino,<br>any race |
| Total               | 100%                         | 42%                        | 31%                        | 2%                         | 24%                                |
| Jefferson (AL)      | 100%                         | 64%                        | 36%                        | --%                        | 0%                                 |
| Maricopa (AZ)       | 100                          | 12                         | 47                         | 3                          | 38                                 |
| Pima (AZ)           | 100                          | 13                         | 47                         | 1                          | 40                                 |
| Alameda (CA)        | 100                          | 60                         | 20                         | 2                          | 17                                 |
| Contra Costa (CA)   | 100                          | 35                         | 46                         | 3                          | 16                                 |
| Los Angeles (CA)    | 100                          | 33                         | 18                         | 2                          | 46                                 |
| Orange (CA)         | 100                          | 6                          | 44                         | 4                          | 46                                 |
| Riverside (CA)      | 100                          | 12                         | 41                         | 3                          | 44                                 |
| San Bernardino (CA) | 100%                         | 21%                        | 35%                        | 1%                         | 43%                                |
| San Diego (CA)      | 100                          | 20                         | 42                         | 5                          | 34                                 |
| San Mateo (CA)      | 100                          | 24                         | 34                         | 10                         | 31                                 |
| Santa Clara (CA)    | 100                          | 13                         | 28                         | 11                         | 48                                 |
| Broward (FL)        | 100                          | 55                         | 40                         | 0                          | 5                                  |
| Miami-Dade (FL)     | 100                          | 48                         | 17                         | 0                          | 35                                 |
| Palm Beach (FL)     | 100                          | 44                         | 42                         | 0                          | 14                                 |
| Pinellas (FL)       | 100                          | 34                         | 64                         | --                         | 2                                  |
| Fulton (GA)         | 100%                         | 87%                        | 12%                        | 0%                         | 1%                                 |
| Honolulu (HI)       | 100                          | 10                         | 22                         | 65                         | 3                                  |
| Cook (IL)           | 100                          | 72                         | 18                         | --                         | 9                                  |
| Marion (IN)         | 100                          | 54                         | 43                         | 0                          | 3                                  |
| Baltimore (MD)      | 100                          | 45                         | 51                         | 2                          | 1                                  |
| Montgomery (MD)     | 100                          | 56                         | 27                         | 5                          | 12                                 |
| Macomb (MI)         | 100                          | 33                         | 66                         | --                         | --                                 |
| Wayne (MI)          | 100                          | 76                         | 23                         | 0                          | 1                                  |
| Essex (NJ)          | 100%                         | 79%                        | 6%                         | --%                        | 15%                                |
| Bronx (NY)          | 100                          | 41                         | 5                          | 0                          | 54                                 |
| Kings (NY)          | 100                          | 57                         | 11                         | 1                          | 31                                 |
| Nassau (NY)         | 100                          | 42                         | 46                         | --                         | 12                                 |
| Westchester (NY)    | 100                          | 49                         | 40                         | 0                          | 11                                 |
| Franklin (OH)       | 100                          | 66                         | 32                         | --                         | 2                                  |
| Montgomery (PA)     | 100                          | 54                         | 43                         | 1                          | 2                                  |
| Philadelphia (PA)   | 100                          | 71                         | 19                         | --                         | 10                                 |
| Shelby (TN)         | 100%                         | 87%                        | 13%                        | 0%                         | --%                                |
| Dallas (TX)         | 100                          | 50                         | 30                         | 0                          | 20                                 |
| El Paso (TX)        | 100                          | 5                          | 10                         | 0                          | 84                                 |
| Harris (TX)         | 100                          | 47                         | 26                         | 1                          | 25                                 |
| Tarrant (TX)        | 100                          | 34                         | 50                         | --                         | 15                                 |
| Travis (TX)         | 100                          | 44                         | 32                         | 0                          | 24                                 |
| Salt Lake (UT)      | 100                          | 5                          | 66                         | 5                          | 23                                 |
| Fairfax (VA)        | 100                          | 36                         | 43                         | 5                          | 16                                 |

**Appendix table E. Felony defendants released before or detained until case disposition, by SCPS jurisdiction, 2002**

| County (State)      | Percent of felony defendants     |                 |             |              |                |               |                      |              |             |                |                                 |              |             |
|---------------------|----------------------------------|-----------------|-------------|--------------|----------------|---------------|----------------------|--------------|-------------|----------------|---------------------------------|--------------|-------------|
|                     | Released before case disposition |                 |             |              |                |               |                      |              |             |                | Detained until case disposition |              |             |
|                     | Financial release                |                 |             |              |                |               | Nonfinancial release |              |             |                |                                 |              |             |
|                     | Total                            | Total financial | Surety bond | Deposit bond | Full cash bond | Property bond | Total non-financial  | Recognizance | Conditional | Unsecured bond | Total                           | Held on bail | Denied bail |
| Total               | 62%                              | 35%             | 25%         | 7%           | 2%             | 1%            | 28%                  | 14%          | 11%         | 3%             | 38%                             | 32%          | 6%          |
| Jefferson (AL)      | 87%                              | 36%             | 33%         | 0%           | 2%             | 1%            | 51%                  | 2%           | 47%         | 1%             | 13%                             | ...          | ...         |
| Maricopa (AZ)       | 54                               | 16              | 14          | 0            | 2              | --            | 37                   | 16           | 21          | --             | 46                              | 21           | 26          |
| Pima (AZ)           | 61                               | 7               | 5           | 0            | 2              | 0             | 54                   | 30           | 24          | 0              | 39                              | 39           | 0           |
| Alameda (CA)        | 48                               | 22              | 20          | 0            | 1              | 0             | 27                   | 23           | 4           | 0              | 52                              | 20           | 31          |
| Contra Costa (CA)   | 38                               | 16              | 15          | 0            | --             | 0             | 22                   | 21           | 1           | 0              | 62                              | 62           | --          |
| Los Angeles (CA)    | 41                               | 18              | 18          | 0            | 0              | 0             | 23                   | 23           | --          | 0              | 59                              | 58           | 1           |
| Orange (CA)         | 48                               | 16              | 16          | 0            | --             | 0             | 32                   | 29           | 2           | 0              | 52                              | 52           | --          |
| Riverside (CA)      | 45                               | 31              | 29          | 0            | 1              | 0             | 14                   | 8            | 7           | 0              | 55                              | 54           | 2           |
| San Bernardino (CA) | 53%                              | 27%             | 26%         | 0%           | 1%             | 0%            | 26%                  | 20%          | 4%          | 3%             | 47%                             | 45%          | 1%          |
| San Diego (CA)      | 42                               | ...             | ...         | ...          | ...            | ...           | ...                  | ...          | ...         | ...            | 58                              | ...          | ...         |
| San Mateo (CA)      | 36                               | 21              | 20          | 0            | 1              | 0             | 15                   | 3            | 12          | 0              | 64                              | 47           | 17          |
| Santa Clara (CA)    | 58                               | 33              | 31          | 0            | --             | 1             | 25                   | 7            | 18          | 0              | 42                              | 29           | 13          |
| Broward (FL)        | 75                               | 64              | 57          | 0            | 7              | 0             | 11                   | 2            | 9           | 0              | 25                              | 20           | 5           |
| Miami-Dade (FL)     | 71                               | 48              | 48          | 0            | 1              | --            | 23                   | 3            | 19          | 0              | 29                              | 22           | 7           |
| Palm Beach (FL)     | 67                               | 36              | 32          | 0            | 4              | 0             | 31                   | 5            | 26          | 0              | 33                              | 23           | 10          |
| Pinellas (FL)       | 65                               | 33              | 30          | 0            | 3              | --            | 33                   | 4            | 28          | 0              | 35                              | 29           | 6           |
| Fulton (GA)         | 77%                              | 52%             | 50%         | 0%           | 1%             | 2%            | 25%                  | 16%          | 9%          | 0%             | 23%                             | 10%          | 12%         |
| Honolulu (HI)       | 66                               | 35              | 31          | 0            | 4              | 0             | 31                   | 1            | 31          | 0              | 34                              | 33           | 1           |
| Cook (IL)           | 58                               | 20              | 0           | 20           | --             | 0             | 38                   | 0            | 13          | 25             | 42                              | 41           | 1           |
| Marion (IN)         | 81                               | 30              | 29          | 0            | 2              | 0             | 49                   | 45           | 4           | 0              | 19                              | 14           | 4           |
| Baltimore (MD)      | 81                               | 53              | 47          | 0            | 1              | 5             | 28                   | 25           | 1           | 2              | 19                              | 13           | 6           |
| Montgomery (MD)     | 73                               | 37              | 8           | 4            | 4              | 22            | 36                   | 14           | 14          | 8              | 27                              | 22           | 5           |
| Macomb (MI)         | 62                               | 47              | 23          | 23           | 2              | 0             | 15                   | 1            | --          | 14             | 38                              | 36           | 2           |
| Wayne (MI)          | 73                               | 27              | --          | 25           | 1              | 0             | 44                   | --           | 39          | 5              | 27                              | 22           | 4           |
| Essex (NJ)          | 76%                              | 72%             | 22%         | 33%          | 17%            | 0%            | 5%                   | 4%           | 1%          | 0%             | 24%                             | 24%          | 0%          |
| Bronx (NY)          | 70                               | 15              | 15          | 0            | --             | 0             | 55                   | 45           | 10          | 0              | 30                              | 26           | 4           |
| Kings (NY)          | 76                               | 28              | 21          | 0            | 6              | 0             | 48                   | 38           | 10          | 0              | 24                              | 20           | 4           |
| Nassau (NY)         | 73                               | 41              | ...         | ...          | ...            | ...           | 32                   | ...          | ...         | ...            | 27                              | 27           | 1           |
| Westchester (NY)    | ...                              | ...             | ...         | ...          | ...            | ...           | ...                  | ...          | ...         | ...            | ...                             | ...          | ...         |
| Franklin (OH)       | 69                               | 41              | 31          | 10           | 0              | 0             | 28                   | 15           | 5           | 8              | 31                              | 30           | --          |
| Montgomery (PA)     | 71                               | 22              | 12          | 6            | 5              | 0             | 49                   | 49           | 0           | 0              | 29                              | 29           | 0           |
| Philadelphia (PA)   | 79                               | 49              | 0           | 48           | 0              | --            | 31                   | 12           | 12          | 7              | 21                              | 15           | 5           |
| Shelby (TN)         | 64%                              | 47%             | 47%         | 0%           | 0%             | 0%            | 17%                  | 9%           | 8%          | 0%             | 36%                             | 36%          | 0%          |
| Dallas (TX)         | 59                               | 54              | 52          | --           | 1              | 0             | 5                    | --           | 3           | 1              | 41                              | 40           | 1           |
| El Paso (TX)        | 75                               | 67              | 66          | 0            | 1              | 0             | 9                    | --           | 8           | 1              | 25                              | 19           | 5           |
| Harris (TX)         | 41                               | 41              | 39          | 0            | 2              | 0             | 1                    | 0            | 1           | 0              | 59                              | 43           | 16          |
| Tarrant (TX)        | 71                               | 70              | 69          | 0            | 1              | 0             | 0                    | 0            | 0           | 0              | 29                              | 28           | 2           |
| Travis (TX)         | 51                               | 24              | 21          | 0            | 3              | 0             | 27                   | 7            | 19          | 1              | 49                              | 46           | 3           |
| Salt Lake (UT)      | 61                               | 26              | 26          | 0            | 0              | 0             | 36                   | --           | 35          | 0              | 39                              | 22           | 16          |
| Fairfax (VA)        | 83                               | 58              | 56          | 0            | 2              | 0             | 25                   | 0            | --          | 24             | 17                              | 11           | 5           |

Note: In the following jurisdictions, a percentage of defendants were released as part of an emergency measure to relieve jail overcrowding: San Mateo (CA), 1%; Marion (IN), 2%; Wayne (MI), 2%; Travis (TX), 1%. Detail may not add to 100% because of rounding.  
 --Less than 0.5%.  
 ... Data on specific type of release was not reported by these jurisdictions.

**Appendix table F. Failure-to-appear and rearrest rates of defendants released prior to case disposition, by SCPS jurisdiction, 2002**

| County (State)      | Percent of released felony defendants who |                   |                     |                  |        |              |
|---------------------|---|-------------------|---------------------|------------------|--------|--------------|
|                     | Failed to appear in court                 |                   |                     | Were rearrested: |        |              |
|                     | Total                                     | Returned to court | Remained a fugitive | Total            | Felony | Misde-meanor |
| Total               | 21%                                       | 15%               | 6%                  | 18%              | 12%    | 6%           |
| Jefferson (AL)      | 31%                                       | 25%               | 6%                  | 24%              | 18%    | 6%           |
| Maricopa (AZ)       | 29  | 21                | 7                   | 36               | 24     | 12           |
| Pima (AZ)           | 9   | 7                 | 2                   | 6                | 6      | 0            |
| Alameda (CA)        | 40  | 26                | 14                  | 8                | 4      | 4            |
| Contra Costa (CA)   | 15  | 15                | 0                   | 38               | 28     | 10           |
| Los Angeles (CA)    | 31  | 26                | 6                   | 17               | 10     | 7            |
| Orange (CA)         | 33  | 24                | 9                   | 41               | 31     | 10           |
| Riverside (CA)      | 28  | 22                | 5                   | 32               | 26     | 6            |
| San Bernardino (CA) | 30%                                       | 22%               | 8%                  | 33%              | 29%    | 4%           |
| San Diego (CA)      | 19  | 17                | 2                   | 25               | 19     | 6            |
| San Mateo (CA)      | 25  | 20                | 5                   | 13               | 8      | 5            |
| Santa Clara (CA)    | 33  | 21                | 12                  | 21               | 11     | 10           |
| Broward (FL)        | 17  | 14                | 3                   | 23               | 16     | 7            |
| Miami-Dade (FL)     | 13  | 11                | 1                   | 14               | 12     | 3            |
| Palm Beach (FL)     | 18  | 12                | 6                   | 15               | 8      | 7            |
| Pinellas (FL)       | 10  | 6                 | 4                   | 13               | 10     | 3            |
| Fulton (GA)         | 16%                                       | 14%               | 2%                  | 39%              | 24%    | 15%          |
| Honolulu (HI)       | 13  | 13                | 0                   | 22               | 16     | 6            |
| Cook (IL)           | 15  | 10                | 5                   | 3                | 3      | 0            |
| Marion (IN)         | 35  | 28                | 7                   | 26               | 16     | 10           |
| Baltimore (MD)      | 14  | 11                | 2                   | 14               | 7      | 7            |
| Montgomery (MD)     | 15  | 11                | 4                   | 8                | 4      | 4            |
| Macomb (MI)         | 11  | 8                 | 2                   | 16               | 16     | 1            |
| Wayne (MI)          | 26  | 15                | 11                  | 8                | 6      | 2            |
| Essex (NJ)          | 47%                                       | 21%               | 26%                 | 33%              | 27%    | 6%           |
| Bronx (NY)          | 19  | 17                | 3                   | 22               | 11     | 11           |
| Kings (NY)          | 13  | 11                | 2                   | 15               | 9      | 6            |
| Nassau (NY)         | 13  | 9                 | 5                   | 17               | 9      | 8            |
| Westchester (NY)    | ...                                       | ...               | ...                 | ...              | ...    | ...          |
| Franklin (OH)       | 30  | 22                | 8                   | 28               | 22     | 6            |
| Montgomery (PA)     | 18  | 13                | 5                   | 14               | 7      | 7            |
| Philadelphia (PA)   | 21  | 13                | 8                   | 13               | 10     | 3            |
| Shelby (TN)         | 20%                                       | 18%               | 2%                  | 24%              | 12%    | 12%          |
| Dallas (TX)         | 17  | 14                | 3                   | 7                | 6      | 1            |
| El Paso (TX)        | 3   | 2                 | 1                   | 18               | 8      | 10           |
| Harris (TX)         | 8   | 8                 | 1                   | 7                | 4      | 3            |
| Tarrant (TX)        | 9   | 6                 | 2                   | 11               | 7      | 4            |
| Travis (TX)         | 22  | 16                | 6                   | 12               | 6      | 6            |
| Salt Lake (UT)      | 43  | 38                | 5                   | 9                | 5      | 4            |
| Fairfax (VA)        | 12  | 7                 | 4                   | 15               | 10     | 5            |

Note: All defendants who failed to appear in court and were not returned to the court during the 1-year study period are counted as fugitives. Some of these defendants may have been returned to the court at a later date. Rearrest data were collected for 1 year. Rearrests occurring after the end of this 1-year study period are not included in the table. Information on rearrests occurring in jurisdictions other than the one granting the pretrial release was not always available. Detail may not add to total because of rounding.  
 -- Less than 0.5%.  
 . . . Data were not reported by the jurisdiction.

**Appendix table G. Adjudication outcome for felony defendants, by SCPS jurisdiction, 2002**

| County (State)      | Adjudicated within 1 year | Percent of felony defendants |              |       |               |           |    | Other outcome* |
|---------------------|---------------------------|------------------------------|--------------|-------|---------------|-----------|----|----------------|
|                     |                           | Adjudication outcome         |              |       |               |           |    |                |
|                     |                           | Convicted                    |              |       | Not convicted |           |    |                |
|                     | Total                     | Felony                       | Misde-meanor | Total | Dismissed     | Acquitted |    |                |
| Total               | 87%                       | 68%                          | 57%          | 11%   | 25%           | 24%       | 1% | 7%             |
| Jefferson (AL)      | 80%                       | 64%                          | 63%          | 2%    | 26%           | 26%       | 0% | 10%            |
| Maricopa (AZ)       | 86                        | 78                           | 74           | 4     | 20            | 20        | -- | 2              |
| Pima (AZ)           | 98                        | 53                           | 51           | 2     | 47            | 46        | 1  | 0              |
| Alameda (CA)        | 91                        | 79                           | 69           | 10    | 14            | 15        | 0  | 7              |
| Contra Costa (CA)   | 85                        | 91                           | 78           | 13    | 5             | 4         | 1  | 5              |
| Los Angeles (CA)    | 96                        | 85                           | 82           | 3     | 11            | 10        | 1  | 4              |
| Orange (CA)         | 90                        | 83                           | 75           | 8     | 6             | 5         | -- | 11             |
| Riverside (CA)      | 93                        | 87                           | 77           | 10    | 6             | 6         | -- | 7              |
| San Bernardino (CA) | 95%                       | 89%                          | 86%          | 3%    | 8%            | 8%        | 0% | 3%             |
| San Diego (CA)      | 96                        | 93                           | 86           | 7     | 4             | 4         | 0  | 3              |
| San Mateo (CA)      | 94                        | 90                           | 75           | 15    | 7             | 8         | 0  | 2              |
| Santa Clara (CA)    | 90                        | 82                           | 75           | 7     | 7             | 7         | 0  | 12             |
| Broward (FL)        | 84                        | 42                           | 41           | 1     | 35            | 33        | 2  | 24             |
| Miami-Dade (FL)     | 82                        | 39                           | 38           | 2     | 41            | 41        | -- | 19             |
| Palm Beach (FL)     | 91                        | 52                           | 40           | 12    | 29            | 28        | 1  | 19             |
| Pinellas (FL)       | 91                        | 50                           | 41           | 8     | 22            | 23        | 0  | 28             |
| Fulton (GA)         | 56%                       | 44%                          | 35%          | 9%    | 53%           | 53%       | 0% | 3%             |
| Honolulu (HI)       | 78                        | 94                           | 89           | 5     | 3             | 3         | 0  | 3              |
| Cook (IL)           | 86                        | 60                           | 59           | 1     | 40            | 38        | 1  | 0              |
| Marion (IN)         | 75                        | 68                           | 62           | 6     | 32            | 29        | 2  | 1              |
| Baltimore (MD)      | 92                        | 52                           | 38           | 14    | 35            | 34        | 1  | 13             |
| Montgomery (MD)     | 92                        | 59                           | 40           | 19    | 33            | 33        | 1  | 8              |
| Macomb (MI)         | 95                        | 84                           | 70           | 14    | 14            | 13        | 1  | 2              |
| Wayne (MI)          | 94                        | 68                           | 63           | 5     | 20            | 18        | 2  | 12             |
| Essex (NJ)          | 75%                       | 61%                          | 34%          | 28%   | 36%           | 37%       | 1% | 3%             |
| Bronx (NY)          | 88                        | 68                           | 29           | 39    | 32            | 31        | -- | 0              |
| Kings (NY)          | 90                        | 56                           | 41           | 15    | 44            | 43        | -- | 0              |
| Nassau (NY)         | 80                        | 89                           | 40           | 49    | 11            | 11        | 0  | 0              |
| Westchester (NY)    | . . .                     | 84                           | 34           | 51    | 16            | 15        | -- | 0              |
| Franklin (OH)       | 76                        | 70                           | 44           | 26    | 28            | 28        | 0  | 2              |
| Montgomery (PA)     | 89                        | 86                           | 56           | 31    | 9             | 9         | 0  | 5              |
| Philadelphia (PA)   | 77                        | 39                           | 32           | 7     | 59            | 54        | 5  | 2              |
| Shelby (TN)         | 82%                       | 69%                          | 32%          | 37%   | 27%           | 27%       | 0% | 3%             |
| Dallas (TX)         | 83                        | 83                           | 80           | 3     | 17            | 15        | 2  | 0              |
| El Paso (TX)        | 81                        | 37                           | 31           | 6     | 38            | 38        | 1  | 25             |
| Harris (TX)         | 96                        | 64                           | 56           | 8     | 18            | 18        | 0  | 18             |
| Tarrant (TX)        | 79                        | 57                           | 56           | 1     | 14            | 14        | 1  | 28             |
| Travis (TX)         | 84                        | 73                           | 72           | 1     | 17            | 18        | 0  | 9              |
| Salt Lake (UT)      | 93                        | 78                           | 48           | 29    | 19            | 18        | 1  | 3              |
| Fairfax (VA)        | 95                        | 55                           | 28           | 26    | 44            | 43        | 1  | 1              |

Note: Detail may not add to 100% because of rounding.

--Less than 0.5%.

\*Includes diversion and deferred adjudication.

. . . Data were not reported by the jurisdiction.

**Appendix table H. Most severe type of sentence received  
by defendants convicted of a felony, by SCPS jurisdiction, 2002**

| County (State)      | Percent of felony defendants |        |      |                  |           |        |
|---------------------|------------------------------|--------|------|------------------|-----------|--------|
|                     | Incarceration                |        |      | Nonincarceration |           |        |
|                     | Total                        | Prison | Jail | Total            | Probation | Other* |
| Total               | 74%                          | 37%    | 37%  | 26%              | 25%       | 1%     |
| Jefferson (AL)      | 40%                          | 38%    | 2%   | 60%              | 60%       | 0%     |
| Maricopa (AZ)       | 58                           | 36     | 22   | 42               | 42        | --     |
| Pima (AZ)           | 52                           | 34     | 18   | 48               | 48        | --     |
| Alameda (CA)        | 88                           | 12     | 77   | 12               | 12        | 0      |
| Contra Costa (CA)   | 95                           | 30     | 65   | 5                | 5         | 0      |
| Los Angeles (CA)    | 85                           | 39     | 46   | 15               | 14        | 1      |
| Orange (CA)         | 74                           | 29     | 46   | 26               | 25        | 1      |
| Riverside (CA)      | 86                           | 36     | 50   | 14               | 14        | 0      |
| San Bernardino (CA) | 88%                          | 40%    | 48%  | 12%              | 12%       | 0%     |
| San Diego (CA)      | 84                           | 33     | 51   | 16               | 16        | --     |
| San Mateo (CA)      | 79                           | 23     | 56   | 21               | 21        | 0      |
| Santa Clara (CA)    | 77                           | 26     | 51   | 23               | 23        | 0      |
| Broward (FL)        | 65                           | 28     | 37   | 35               | 35        | 0      |
| Miami-Dade (FL)     | 82                           | 24     | 58   | 18               | 18        | 1      |
| Palm Beach (FL)     | 82                           | 14     | 68   | 18               | 17        | 1      |
| Pinellas (FL)       | 74                           | 34     | 40   | 26               | 25        | 1      |
| Fulton (GA)         | 52%                          | 39%    | 12%  | 48%              | 48%       | 0%     |
| Honolulu (HI)       | 84                           | 30     | 54   | 16               | 16        | 0      |
| Cook (IL)           | 55                           | 44     | 10   | 45               | 38        | 7      |
| Marion (IN)         | 71                           | 52     | 19   | 29               | 29        | 0      |
| Baltimore (MD)      | 64                           | 42     | 22   | 36               | 36        | 0      |
| Montgomery (MD)     | 63                           | 27     | 36   | 38               | 38        | 0      |
| Macomb (MI)         | 61                           | 11     | 49   | 39               | 34        | 5      |
| Wayne (MI)          | 52                           | 24     | 28   | 48               | 48        | 0      |
| Essex (NJ)          | 61%                          | 42%    | 20%  | 39%              | 38%       | 1%     |
| Bronx (NY)          | 65                           | 54     | 11   | 35               | 31        | 4      |
| Kings (NY)          | 57                           | 44     | 13   | 43               | 39        | 4      |
| Nassau (NY)         | 83                           | 36     | 47   | 17               | 13        | 4      |
| Westchester (NY)    | 64                           | 28     | 36   | 36               | 30        | 6      |
| Franklin (OH)       | 86                           | 56     | 30   | 14               | 13        | 1      |
| Montgomery (PA)     | 70                           | 30     | 40   | 30               | 30        | 0      |
| Philadelphia (PA)   | 67                           | 23     | 44   | 33               | 32        | --     |
| Shelby (TN)         | 81%                          | 61%    | 20%  | 19%              | 19%       | 0%     |
| Dallas (TX)         | 60                           | 30     | 30   | 40               | 40        | 0      |
| El Paso (TX)        | 61                           | 46     | 15   | 39               | 39        | 0      |
| Harris (TX)         | 96                           | 81     | 15   | 4                | 4         | 0      |
| Tarrant (TX)        | 87                           | 65     | 22   | 13               | 13        | 0      |
| Travis (TX)         | 76                           | 59     | 18   | 24               | 23        | 1      |
| Salt Lake (UT)      | 75                           | 35     | 40   | 25               | 24        | 1      |
| Fairfax (VA)        | 56                           | 50     | 6    | 44               | 44        | 0      |

Note: Defendants receiving incarceration sentences that were wholly suspended are included under probation. Sentences to incarceration may have also included a probation term. Sentences to incarceration or probation may have included a fine, restitution, community service, treatment or other court-ordered condition. Other sentences included fines, restitution, community service or treatment oriented sanctions. Detail may not add to 100% because of rounding.  
--Less than 0.5%.



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